

Part of Interview *DE debriefing to Charles Nesson, summer 1971*

(Inaudible at beginning)

This is another factor for my leaving Pand as early as I did

...(inaudible) I wanted to leave as much time as possible

between my leaving and testifying, *[to the Senate Foreign Relations Committee]* so I testified on May 13, 1970

but of course this was in the very midst of the Cambodian

crisis. So the hearings got no attention. There was television

and newspaper men there, but I don't think it even got

mentioned because of Cambodia. Have you seen that testimony

or not? It was a very crucial exchange they wanted to get me into

....and exchange... major hearing which would be of Pearl Harbor

scope based on the Pentagon Papers .... so they would work

hard to get the papers ready for the hearings. I wanted to

save myself for a witness for those hearings so I was reluctant

to get into much testimony now on the subject ~~shoot my lines~~

So I backpedalled pretty much when Fulbright.... some of the

questions Fulbright... I had mentioned that Chinese nationals *[in 34A raids]*

were involved..and he wanted to get that in the record and I

think they actually asked me that in the hearings. Just before

... I had looked for a reference and couldn't find one so

he had to destroy it. and I didn't answer that. It later

turned out that it was mentioned. I was correct there

were Chinese nationals. The main thing was that Fulbright

asked me to present him with a memorandum with all that

I remembered from *34A* operations and *I* he said you realize

*that has to be covered*

..... in closed hearings. He said well I don't think it

should be classified...and he went on and said a lot of

useful things. This is all in the published records.

Have you ever seen that Leonard?

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I haven't seen..

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You should look at the end of ~~my~~ testimony and you'll find extremely.....under the circumstances it looks a little sneaky since ~~she~~ he is not admitting he knows ... Unfortunately the upshot there was that within the next month Norval Jones [aide to sen. Fulbright] became extremely cold on the subject and we had some pretty acid exchanges in which he said nothing can be done with them. Congress is not interested. The committee was not interested and there was no way to get this history out. and it was at that time that I felt that I really had to turn to other ways of getting it out.. In the Spring <sup>1970</sup> I had gone to this conference on War Crimes and had gotten interested in the legal aspects which earlier I had no interest in.

Now we switch from congressional to legal because I got interested in law and war crimes with the possibility that this stuff could be subpoenaed in a court and somehow get into a court.

There was a conference in Washington sponsored by 10 congressmen. I hinted at a few people at that conference. I tried to interest several of them . It was my meeting with Falk. I tried to interest him. I raised the subject fairly obliquely . I remember I didn't get very far. But I looked forward to another occasion. Then I was invited by Telford Taylor .....of '70. At that conference I very clearly , first openly at the conference described the kind of studies available . This was a conference entirely of international lawyers or lawyers who could be interested in — being international, all kinds of civil rights lawyers —



and I raised it in a ----- panel chaired by Telford Taylor  
and with a guy named something like San .....

(inadmissible)

and that it showed Nuremberg documents could be made available.

At ~~one~~ one point Telford Taylor made a statement "this stuff is  
not....and we don't have the Nuremberg documents" and I said  
publicly "you can have the Nuremberg documents. They exist in  
Washington, They exist in this town, they are all over the place  
You can get at them." It made no impression at all. I then  
spoke to half a dozen of these people privately ...documents  
can be made available... but their whole theme that day was  
of all the lawyers I spoke to..we have all tried to get this  
stuff into courts and it is impossible. So I couldn't  
get anyone to really together. It was a totally pessimistic  
bunch and very irritating of course.

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Do you remember who was there?

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No I'd have to get a list. I spoke specifically to Chuck Morgan (ACLU)  
at one point and to Tony Amsterdam and they were ~~much more~~ more  
interested. I told Chuck much more and I asked him what he thought  
the penalty would be for giving such documents and he said with  
a laugh "20 years to life or death if they decide it's war time."

I remember wishing that Patricia had not heard that.

<sup>Peter</sup> Weiss was there and I told Weiss a lot about it. Now I knew  
that Weiss was working with the Institute on the legal aspects  
and was supposed to do a paper for them so I told him a lot  
especially that night. He said I want you to meet the greatest

living constitutional lawyer, Leonard Boudin. In the course of the evening with Leonard Boudin, I told Leonard Boudin a lot about this. Said a lot of things he would do which he never did. Like everything else at the conference nothing came of that. And I had made the mistake of drinking some coffee in the morning, which I never do, so I became a dynamo. I also became filled with fury at international lawyers. I just couldn't get them interested in the subject and I didn't know why they were there and I said, "Instead of talking all the time about the impossibility of this. You are making this judgement in the light of a lot of court cases where the judges had not had legal evidence. I can make the legal evidence available. You should think it through again."

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Where did this conference take place?

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~~Byx~~ At Columbia

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Do you remember who the sponsor was.

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No. Taylor had asked me to be on his panel by the way .... nothing came of that. So whenever I met a lawyer who had any interest in the war I re-raised the subject. I couldn't get lawyers to work on this through the courts or anything else. We had a friend whose house we went to dinner, Steven ---- So we raised it all with Steve ---- (inaudible) the issue of War crimes with the possibility of documentation and expert witness. Mansfield took the attitude that the ~~has~~



house had done everything possible and nothing had worked.  
 Nothing could be done. Which apparently is bullshit ...  
 Later Pat said she had this friend Charlie Nesson and I  
 was terrifically busy. So Nesson came over that night  
 and I raised the war crimes trial and was very irritated at him  
 because he thought everything had been done. I remember of  
 that evening that Pat was concerned that I had irritated her  
 friend, because I got so irritated at him.  
 In Jan. of 1971<sup>2</sup> lawyer in Minnesota<sup>- Ken Tilsen -</sup> for the Minnesota 8 had  
 asked Noam Chomsky to testify as an expert witness and he  
 referred <sup>Ken Tilsen</sup> ----- to me. I agreed to come on the understanding  
 that there would be other expert witnesses and this would be  
 an occasion for me to have the studies subpoenaed by the judge  
 and get them into the record that way. or at least be able to  
 testify about the substance of it. Now one other episode  
 connected with that: <sup>Tilsen</sup> ----- asked me what experience I had had  
 with the current administration to qualify me. I said actually  
 I had worked as a consultant full time in the administration for  
 the first several months but I would not be able to testify to  
 that because of Kissinger's strong desire that Rand and Ellsberg  
 not be identified with him in this consultant capacity. That it  
 not be known that I had done this work. So I said I had never said  
 this publicly and I would not be able to say it and I asked him  
 not to ask me in the trial, that I would not be able to answer.  
 The very next morning because of a time difference I woke up  
 early and decided to make some phone calls- One of them was to  
 return a call from Oberdorfer of the Washington Post. It turned  
 out that Oberdorfer was writing a piece on the origins of Kissinger's

Vietnam policy and he said that he had raised this question with Kissinger and Kissinger's first reply was, "well the interesting thing is that the first people to work on the policy were some that had later become great critics of the policy, specifically Dan Ellsberg." He also mentioned Mort Halperin and Tom Shelling. Now Halperin had been a great source of input for me in the work but in the actual consulting had only been there for one day out of 4 that I worked. Shelling ~~xx~~ had been there for one morning but I had been the main person. It became clear while talking to Oberdorfer, well I was amazed that Kissinger had mentioned this. I said "Kissinger brought this up? You are sure?" "Yes" The first request I made of Oberdorfer was that if he was going to mention this at all that he call Harry Rowen and make it clear to him that Kissinger had raised Rand and Ellsberg's participation and that I had not leaked it. Otherwise it would be assumed that I had leaked it. He did do this actually later, though I never talked to Harry about it. He said he made it clear to Harry although other people who read the story assumed it was me who leaked it. I showed some ~~xx~~ surprise at <sup>Kissinger's</sup> his doing this and later when Kissinger called him again on the subject he told Henry how surprised I had been and Henry said "Oh well, if he is embarrassed by it then take his name out of it." Unfortunately the upshot was that the story appeared as I had told it to Oberdorfer rather than Henry, but without my name, unfortunately. By that time I would have preferred to have my name in it. Kissinger had then given him an impression of what the policy was. I told Oberdorfer, "if that was the policy I would still be at the Rand corporation and Mort Halperin would still be working for Henry Kissinger. That is not the policy,"



and I gave him my understanding of the policy which he ended up using ..... In other words Henry's clear purpose was to give a description of the policy as if we were getting out of Vietnam to identify Mort and me with that policy and to imply that we were disingenuously attacking the policy publicly which we had felt and had been participants in initiating, which was totally wrong. So I said there were a number of options presented and Nixon chose a different one. If he had chosen this one we would still be aborted. I then, since Oberdorfer had raised this and was going to print it I then ask<sup>ed</sup> Tilson to ask me the question in open court, the answer to which is in the record. I said "My relation with this administration was a confidential one and I have never alluded to it publicly before, but it had just come to my attention that Henry Kissinger had described this relationship in an on-the-record interview with Don Oberdorfer of the Washington Post. Therefore I feel free to answer the question. The answer is, yes I did consult with this administration for several months," so that was the first time that I ever revealed that and it was mentioned in the newspaper reporting on the account. It also then freed me to use the same allusion several months later in writing about Laos for the N. Y. Review of Books. So that was the first time in print that I revealed my working with Henry Kissinger. Up to that time I had been very greatly disadvantaged by not feeling free to mention that, because I was talking about Nixon's policy throughout the fall of 1969. but without being able to imply anything directly. One last thing about the trial; I was not able to get any of this into the trial, because when I first said as a member of the administration I said I had been

I ~~had been~~ a participant in governmental deception, <sup>et</sup> and which point the judge intervened and said to the lawver, "I told you I would not allow any testimony critical of the government."

A curious statement in a trial of people whose motive was to protest illegal activity by the government. I did testify and I used testimony from the hearings, <sup>+</sup> from the Study.

I testified that the prospect of draft resistance had been a factor in the decision-making in March 1968. This appears in Townsend Hoops' book quoting a memo by Phil Goulding, a top secret memo. I referred to the study and reminded myself <sup>that</sup> of that memo — <sup>h</sup> which I had seen at the time <sup>+</sup> was part of the McNarmara studies. So I referred to the memo also. so I wasn't able to get it in.

A final point then came when Tom <sup>o</sup> Aliphant of the Boston Globe interviewed me and asked me what things had changed my thinking. In the course of that I didn't give too much emphasis but I did mention the <sup>pp'</sup> ~~PR~~'s and I mentioned that after all only 3 people had read this and they had in fact all become considerable doves. He made that the ~~fo~~ focus of his article and interviewed Halperin and tried to interview Gelb. He also asked how I saw myself as a participant in this and I <sup>o</sup> said, "as one who had participated in crimes of aggressive war." I used this formula. Always when I used it it was in part in hopes of advertising myself to lawyers who might be intersted in some kind of defendant role or witness in a court room and this <sup>was the</sup> ~~case~~ <sup>3</sup>. As soon as the story came out I was called by a lawyer who was coming up <sup>+</sup> unfortunatelly the next day <sup>+</sup> with a court case before Judge Wyzanski involving a draft resister, John Flynn. This was exactly the kind of

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effect I hoped to have and he had seen immediately that I would be an expert witness in his trial. <sup>So</sup> since the thing was so abrupt and I talked to him quite a bit and disclosed what was possible and I told him about the studies with ~~the~~ possibility of subpoenaing them which we discussed. I discussed it with somebody else to get a quick reaction as to what the risks were, and I became afraid that he might seal the record including not only the copy I gave him but <sup>en</sup> adjoin me from giving it to anybody else, which seemed to be a risk if that was my correct impression.

The other problem was because of the <sup>stipulated</sup> ~~story~~ we decided we had a to quickly xerox other copies of this which was going to be a heavy physical burden in the next week, and this was going to blow it if I appeared in court with it. It seemed the FBI would come on me immediately and perhaps short circuit the whole thing <sup>and</sup> it just seemed too fast. I couldn't move that fast so I had to tell ---- I wouldn't in the ~~next~~ end. I kept him waiting at the court room. He hoped I would appear in the court, I caught him in the court room and told him I thought it was too fast I couldn't do it. But I waited for other cases. That pretty much sums up the court-rooms.

Now on Congress there are two other things. I actually saw Kissinger and Irwin as members of the administration two weeks back and the other things is Gaylord Nelson, <sup>I didn't get to the point of offering</sup> ~~which~~ McGovern, <sup>the pp.</sup> McCloskey, Matthias. Matthias, I discussed the general subject with and gave him the copy currently held by Chomsky of the Nixon stuff because as a Republican he said he was prepared to take on Nixon directly. He particularly wanted material related to Nixon so ~~Ixxxxx~~ gave him the Nixon stuff.

and I would have given him the <sup>S</sup>study had he used the Nixon  
 but he didn't use the Nixon stuff Do you want the Kissinger  
 stuff? Then one could say there's yet another ~~xxx~~ area angle; <sup>it</sup>  
 was to put the stuff out directly in my own professional writing.  
 So in the study that I used <sup>for the American Political Science</sup> ~~-----~~ Association in Sept. 1970, <sup>I</sup>  
 actually quoted some stuff directly from the studies which  
 Gelb and Halperin strongly criticized. I actually <sup>deleted</sup> ~~bleeded~~ these  
 quotes from the final version of <sup>it</sup> ~~^~~. For ~~awhile~~ while I thought the  
 best way to do it was by myself if I had to do it. Incidentally  
 B Alaban's ~~xxxxxxxx~~ ~~xxxxxxxx~~ ~~xxxxxxxx~~ impression of what he was told by  
 John Dunn was that the report seen by the guy who called him  
 on the phone implied that <sup>t</sup> the FBI thought he was going to use this  
 stuff in <sup>e</sup> ~~the~~ books, that's why they had not come down on me  
 The implication being that would be alright. And That's what  
 I did do in the <sup>American Political</sup> ~~-----~~ Science Association, <sup>to paper</sup> quoting documents  
 from the study which was widely distributed to a lot of former  
 officials who all knew where that had come from.

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 where was this being held?

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 Los Angeles in 1970. It was given to people like Kissinger  
 Warnke, Clifford, Halperin, Gelb, and so forth. Many many officials;  
 probably 150 copies were distributed. Many <sup>who</sup> ~~^~~ did recognize  
 that the quotes were from top secret document<sup>s</sup> specifically did  
 not turn me in, comment, on it even comment on it. Neither  
 Warnke nor Clifford in pri<sup>o</sup>ing my paper commented on the fact  
 that I was quoting directly from the <sup>McNamara Study</sup> ~~-----~~. I called Eliford <sup>f</sup>



in some connection and he (inaudible)

Warnke when I was meeting the Council of Foreign Relations sat next to me at dinner (inaudible) Interestingly they both spent the day with me rather than with .....emphasizing the politics ....

Lloyd Shearer was asked to see -you haven't heard this story at all ..

My meeting with Kissinger and Irwin...

A meeting of Congressmen brought together by Bella Abzug

Meetings with McGovern, Gaylord Nelson, and McCloskey and Fulbright so that governs (inaudible) (a great deal here is inaudible)

(something about not going any further, more important things to say. Will <sup>do</sup> it later tonight)

Moves on to 6(1)1

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....contacts on the connection with the Pentagon Papers other than Fullbright and the Institute <sup>of Policy Studies</sup> and New York Times. These other contacts fell basically in three classes. Relations, first, with members in the Executive Branch in the Nixon Administration, (Henry Kissinger and John Irwin); second, a set of Senators and Congressmen whom I either probed with respect to their possible willingness to reveal the Pentagon Papers or actually discussed revelation with them; third, contacts with former members of the Johnson Administration who had actually worked on the Pentagon Papers, such as Halpern, Gelb, and so forth.

I'll start with the third category first. From the very beginning of the project, I was concerned that the material we were uncovering in the analysis be subject to the best kind of analysis possible, and that experts with backgrounds other than those of the few of us who were actually preparing the papers should have access to them, so as to analyze them, put them in a larger context, learn from them, and draw conclusions that would be helpful to the making of public policy.

So there was a question from very early on as to what would finally be done with the papers. I discussed this several times with both Gelb and Halpern. There was no expectation on their part that the papers would be made available for an indefinite period, and I think that from the statements made after they came out, the general expectation by Gelb and Halpern was that these would remain

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bottled up for twenty years or more. I had <sup>had</sup> an interest in "hidden history" for at least ten years; that is, the idea that there would be an analysis of the secret documents of the Cold War era, with an eye to understanding the dynamics of the Cold War and the process of Governmental decision making.

My own focus during most of that period was that the Executive should itself be better informed of patterns of executive decision making and of the implementation of decisions; in other words, to provide a body of analytical knowledge based on experience that would supplement the on-the-job training that new Presidents undergo and which currently forms the whole of their training for their decisions. The effect of relying <sup>on</sup> entirely on-the-job training is that at least the first year or two reflect the inexperience of the new President. This ignorance of new Presidents in turn reflects the fact that so much of the prior decision making would have been withheld from his knowledge by the secrecy system, even if he had been a Senator or Congressman or in fact if he had been Vice President.

A good example was the fact that Truman learned of the atomic bomb only after he became President; and of course recently Humphrey has claimed (and probably honestly) ignorance of a great deal of the information contained in the Pentagon Papers. To say this is to say that the new President is ignorant not only of the specific content of past decisions, but he is ignorant of the very elements of the process of making the



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✓ decision: the sorts of considerations that are normally brought to bear on these decisions, the sorts of information that are available to the President. And this biases his own judgment of the new decisions presented to him in a number of ways; they are apt to seem to him novel and ad hoc whereas in fact the configuration of alternatives and aims and secret information is likely to be an extremely familiar one to someone who has a longer perspective on decision making within the area.

In fact the new President is likely to have, and the old President after years in office is likely to retain, an actually mistaken and distorted view of the history of the problem areas and decisions with which he is confronted. Since as a member of the public he was told lies by previous administrations concerning these matters, and since almost no administration undertakes a history of these subjects within the executive branch or almost no official reads such a history when it is produced, there is no way for him to improve these mistaken conceptions that he has brought into office.

✓ Therefore on a number of occasions I urged Gelb to think of ways in which a broader panel of academic analysts in particular could be given access to the Pentagon Papers themselves or to raw material to do a further analysis of the material, a comparative analysis. One limitation of the Pentagon Papers as they stand is that they consist of chronological studies of individual years of decision making

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✓ or of particular problem areas for a limited period, usually 1 to 3 years. There has been no secondary stage of analysis which looks for patterns across the entire sweep of the 25 years covered or which in fact compares any two given periods in order to find such analytical patterns.

✓ My project at Rand was precisely to look for such patterns; that is my interest as an analyst, rather than to produce first primary histories or tell the story of particular episodes. My intention in using these volumes was to do part of that task (so far as one man could do it) of looking at the different areas and seeing what patterns held from one period to the next. This I did do a good deal at Rand. I did discover a number of patterns, and to some extent communicated them, especially orally, including one long ✓ briefing at Rand. I was hesitant to put any of this down on paper, since it appeared that to put it out ~~in~~ unclassified form ultimately might well mean that I'd either have to leave Rand or switch to different funding, non-governmental funding for the project, so that it would not have to be cleared. The more that I put down on paper <sup>the</sup> sensitive material, the more the issue of classification would be raised early on. If the early documents were classified, I would then have trouble later justifying putting them out in unclassified form, even if I felt that they should be unclassified personally. So that whereas I took a lot of handwritten notes and put some less sensitive material down in the form of Rand documents, on the whole I did not turn out long documents on this.

I am sure that Gelb and Halpern would remember the suggestions from me early on that we arrange somehow to get more people to have access to them, at Rand to begin with. In particular - late in the game, in late '69 and early '70, after I had given the material to Fulbright, but before anything had come out, I discussed several times with Gelb and Halpern the possibility of going to McNamara and urging him to do one of several things to get more use of the Pentagon Papers. One possibility was simply to release the Pentagon Papers, which I thought was a feasible and desirable thing, but one that he was very unlikely to do in that they were incomplete and quite unflattering to McNamara, along with other officials.

Second, there was the possibility that McNamara authorize summaries of the volumes coming out.

Or third, there could be analysis either by us (and I suggested Gelb in particular to do this, or myself), analytical work on the set of volumes as a whole and the release of the general conclusions, or that a new team of people be brought in, a broader team of academics, to go over the material and again draw conclusions for the academic world.

Each time I raised this, Gelb was certain that McNamara would allow none of these things. He had learned that McNamara had asked Bill Bundy to read the study for him and that Bundy had given him a rather negative attitude toward the study, saying that it was biased and incomplete. The one time that Gelb had delivered the study to him and had



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discussed it with him a little bit, McNamara had gone to his safe or closet, produced a memorandum which he read in part to Gelb, and asked if this memorandum were included in the study. It was a memorandum by McNamara and McGeorge Bundy in (as I remember) January of 1965. The sections that he read from it implied a very critical attitude or pessimistic or skeptical attitude toward the bombing program which was then about to begin, and which did begin in February of 1965. The apparent implication of his reading this was that he had been skeptical of the bombing; in fact, other documents of the time and my own memories from John McNaughton established to my strong belief that McNamara with all his pessimism and skepticism was a strong proponent of the bombing program. So that this document that he was putting out was misleading at best, and probably if he had read the full document to Gelb it would have given a different impression.

It is noteworthy, however, that he did have this document in his safe and very much on his mind; it was something that he had apparently been saving to show his good faith or his sound judgment on the bombing program at some appropriate time. It would, of course, have been classified top secret. At any rate, this indicated a very negative attitude by McNamara, who was otherwise showing no inclination to speak out on the war and refusing every opportunity to do so.

The reason that I checked in with Gelb on his current

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attitude was that Gelb was in close touch with Warnkey and Clifford and various other people who in turn were in relatively close touch with McNamara. I was often tempted to go to McNamara myself on the basis of past association and talk to him about this and about the war in general. I had written a number of speeches for McNamara, and in fact I had been urged strongly by Adam Yarmolinsky to be a special assistant along with him to McNamara in the fall of 1963. So I thought of going to him on that basis, and probably could have gotten in to see him. My reluctance to that was that I did not want to tip my hand to McNamara on my feelings of urgency about the release of the documents lest he give me direct instructions on a personal basis not to do any such thing, and lest his suspicions be so aroused that he take measures to separate me from the documents and thus preclude my releasing them myself.

- Likewise with Gelb and Halpern I had to be circumspect in what I said to them, not to give any direct hint that I might do such a thing as release the documents, for the same reasons and also to relieve them of responsibility of being in conspiracy with me if I should ultimately give them. As I say, at the latter stages I had already given them to Fulbright.

When there was the conference at Rand in August, 1970 in which the Pentagon Papers were discussed, I discussed going further with Gelb and Halpern, including possibilities of having a statement put out without McNamara's approval by those of us who had read all or most of the papers, which



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then included Halpern, Gelb, Dick <sup>Moors teen</sup> Morestein and myself, either referring to the papers or not, but giving our consensus of what was to be found in these documents, and perhaps also describing any points of disagreement and remaining uncertainties and needs for further research, but particularly saying that we were people who had read such a study and that it revealed the following patterns. We would thus reveal to the public and Congress and academics certain assertions that we had agreed on.

They considered such a thing at one stage, but at a later stage around that time Gelb said flatly that he would not be willing to make such a statement in any form, even the most general and moderate. He referred me to the fact that he had made a personal commitment to McNamara to use extreme discretion with respect to the study, never to reveal its existence even as a study within the Executive Branch. Gelb felt he could not go back on his personal assurance. It was always tacitly obvious that Gelb's own career prospects in the future in the Executive Branch were much on his mind, and in that respect he was retaining close ties to Warnkey and Clifford, to McNamara and increasingly to Senator Muskie, so that any such indiscretion would cut against that. Likewise he assured me that he had discussed it with Halpern, and that Halpern was not willing to sign or put out any such statement.

This shaded into another project. For a certain period I was the only person, so far as I know, working in a research

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institution under a contract to the Government full time on the question of analytical lessons from Vietnam, lessons from our past experiences in Vietnam, of a high-level nature not a low-level systems analysis of field operations. I was also the only person working largely full time with authorized access to the Pentagon Papers. This was the period when Gelb himself was still just doing work for the new administration, not with time to do work on the Pentagon Papers. Likewise Halpern was in the White House and had not read the Pentagon Papers, which he was not to do until late summer, 1970. So Gelb had in fact read most of the papers as they were produced and thus was the only person to do so. As I read increasing installments I was the second to have read them all, but the only person to be working with authorized access on government contract, doing research on the subject of the papers. This was in the first half of 1969.

At some point around the middle of 1969, Gelb left the government for the Brookings Institute. He was funded on a study of lessons from Vietnam, basically an analytical history of our decision making in Vietnam, which was pretty much the subject matter of the Pentagon Papers. However, because of Brookings' tax exempt status, it was part of his contract that he would make no use of classified materials. He obviously had had access to classified materials. I did not ask him exactly what form his access took; presumably he could have gotten at the copy that Clifford had of the Pentagon Papers in his office, or, more probably, he had access to his own copy. I do know that at a certain point



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in 1969, he did tell me that there was no urgency about being able to get the copies back from Rand in Santa Monica to Washington inasmuch as he had access to his own copy or to another copy.

Gelb set up a panel of consultants at the Brookings Institute to work with him on his study, to comment on his drafts. The panel included many prestigious people, like Chip <sup>Bahlen</sup>~~Bolland~~ and others, few of whom, however, had direct experience on Vietnam. He insisted on including me on his panel of otherwise fairly senior people to be one of the few people who had direct experience on Vietnam. Several meetings of this group were held. In his own writings on the subject he had to take considerable pains to make it appear that he was using only unclassified sources since that was the basis of his contract. It was obvious to me, of course, that he was relying also on the Pentagon Papers as his framework actually, but in places he was forced to circumlocutions like "it can be assumed that the government at this time was predicting" or "was intending" or "was planning", when in fact as I knew he knew very well the content of these predictions and plans.

A comparable thing was done at Rand by Col. Bill Simons, who had written the top secret volumes on 1964 decision making. He subsequently wrote an unclassified RM, research memorandum, for Rand on the coercive diplomacy, looking at the plans for the bombing of Vietnam. This volume is available; I have a copy (Rand can provide it), and again it uses such



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circumlocutions as "it can be assumed that" or "one supposes that", this sort of thing, which in fact reflected his knowledge of the top secret level facts. This is a fairly frequent occurrence with the declassification of a previously classified document with reference to specific documents removed. The substantive information is put out with close paraphrasing. The existence of Simons' volumes at Rand, which I used earlier and which in fact in part I revealed to Fulbright, had been in fact forbidden so far as I know by Gelb in the course of the study. He had forbidden that any sections of the document should exist at the Rand Corporation, but since Simons worked on the material at Rand it was inevitable that he would in fact keep a copy there for his own use.

I was personally opposed. I felt that one sacrificed a great deal in understanding by such processes, even though they might be unavoidable for such contractual reasons. Because for one thing they did conceal the gulf in information and understanding perceptions of the situation between the current officials and all outsiders, even the best informed outsiders and officials of other branches of the Government, and other agencies. For example, they made it appear that by close reading of newspapers and public statements and so forth that Senator John Kennedy had arrived at an adequate understanding of the Government decisions and activities that had created the situation in Laos with which Kennedy was confronted in his first months in office as President. This simply was not true; there was no way that

Kennedy could have achieved that understanding from open sources. It seems important to me to realize that there's this difference inevitably between the understanding of a Senator and of the President of what the U.S. was up to in a particular part of the world. Statements in such cleared documents which took the form "from this public statement it could be reasonably inferred that" were quite misleading, since in fact the author would never have come to that inference had he not been fully aware of the text of top secret documents that had been made available to him in addition to the public statement.

In any case, Gelb's drafts were subject to this sort of formulation, which I thought was not only misleading, although he couldn't help that, but also analytically misleading, and I told him that any writing I intended to do for the public, at the very least I intended to make the reader aware that conclusions that I was drawing were based upon access to classified material and to analytical studies as well as to experience. This seemed to me to be the least one could do to avoid this particular kind of misunderstanding by the reader. This was a sensitive subject with Gelb and Halpern, since in fact they were not free to do such a thing and also had given such assurances that neither they nor people who had worked on the study such as me would make any reference to the study per se or to the material within it. I had not given any particular such assurance, although as a friend I was concerned, but I had to consider their position.

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But I didn't insist that I felt strongly enough about this that I would do that in anything that I wrote, or that I would ~~not~~ refer to the McNamara study per se, but that I would not pretend that the conclusions that I was drawing reflected only inferences from open sources.

When I left the Rand Corporation on April 15 to work for MIT, I initially had to complete a paper on ~~Revolutionary~~ <sup>Judo</sup> ~~judo~~, so-called, for Rand, that I had promised to complete by June 30. As soon as that was finished, I turned to the subject that I was really interested in, the United States' decision making. I began to utilize the notes that I had made over the preceeding two years in order to write on that subject. Ultimately this was to dismay Gelb very much, because he had assumed that on the basis of what I had written so far at Rand that I was limiting myself to work on....



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...to work on pacification and politics, ~~himself, South Vietnam,~~  
subjects on which he was not writing, so that there would  
be no competition academically between us in our subjects.

He was later very disconcerted to have me turn up at the

✓ American Political Science Association with a paper covering  
the war in Washington. I had to explain to him that my  
reason for limiting myself to the earlier subjects at Rand  
was that I could not clear any other subjects out of Rand,  
but as soon as I left Rand it was my intention to work on the  
subject that I regarded as more important, U.S. decision  
making.

✓ I had, in fact, a great dilemma confronting me with  
regard to referring to Les or to the study in my paper for  
the American Political Science Association which I delivered  
in September 1970. This was the annual meeting in LA, a panel  
chaired by Raymond Tanter at his invitation. The meeting also  
included papers by Les Gelb and Alan Whiting, all pretty  
much on the same subject. There was comment by  
Richard <sup>Ullman</sup> Alman among others, and Halpern was the chairman.  
<sup>Ullman</sup> Alman, who was then at Princeton at the Woodrow Wilson  
School, had to some extent worked on the papers and had  
had access to some of them; he spent a year or so in the ISA  
in the Government.

I found when I got an advance copy of Les's paper  
that mine and his covered almost the same ground. I had  
the problem of giving him credit or referring to his work; it

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is my practice to be very very generous in alluding to people who have helped me or given me sources. I usually go out of my way to include mention of such people in generous terms. But in this case I already had the feeling that the more I was associated with Les in public discussion of the material in the Pentagon Papers, the more he would be subject to suspicion as it was heard, when Fulbright or someone else should bring the papers out (something which I had set in motion almost a year earlier).

So having written one long, very flattering comment on his work and the relation of it to mine, I deleted that and ended up with a few references which tended to be both cursory and rather negative. I took some effort to distinguish his themes from mine; it's not hard to distinguish his written views from mine since he tends to downgrade the role of politics in decision making. I also tried to be fairly critical of certain points, because I was trying to establish some indication of distance between us and imply that we were not very close collaborators. I expected to see him in LA and go over the general subject of how we should relate our bodies of work in public and what sort of credit would be desirable on both hands; but he was sick and was not able to come, so simply sent his paper in.

*like most  
a testimony*

The very unfortunate effect of that was that when he read my paper, which was not ready until the day of the conference, he was very taken aback by the lack of reference to him. This led to extremely paranoid inferences

on his part that I had deliberately plagiarized parts of his paper. He was even drawn to emphasize such evidence as the fact that we had misspelled "Sorensen" the same way, since as I always did I spelled it with an "o" instead of an "e", just as he did and just as most people do. He also drew inferences from the fact that I changed the title of my paper from its earliest announcement (this actually being due to the fact that I had changed it to one suggested by Patricia).

There was a good deal of misunderstanding about this. I wasn't able to give him my real reasons for my concern on the credit issue, and I ended up giving him a good deal of credit as he asked and crossed my fingers that I would not hurt him too much in the long run.

In this period in the Senate (December 1970), as Norval Jones was specifically telling me, there was little chance of any hearings. And as possibly no one could ever be brought to read this huge amount of history or to regard it as very dramatic, it began to seem as if the only way to have it make any influence was to present the public with short analytical conclusions from the study. I was as well qualified to do this as anyone, or actually better than any individual. It seemed that perhaps this should be regarded as a major form of release.

I did include a footnote (as I had told Halpern and Gelb that I would) indicating that I not only had had experience in the Government in the material I was describing and had



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✓ access to classified material which I was drawing on in writing this, but that I had access to other studies and other material as a researcher in the Government. I did not specifically mention the Pentagon Papers, though a number of people reading this paper knew that.

This footnote, which I insisted upon, not only went a little further than they would have gone, but was, I well knew, questionable from the point of view of practice within the classified community because of the allusion to the fact that the material presented was based on official access and thus that I had had access to certain things.

✓ I believe that I could not have gotten cleared a paper with that statement on it. It is not the practice in presenting an unclassified paper, even though it is based on classified sources, to allude to that fact in papers that get cleared by the Defense Department.

More importantly, the substance of the stuff, since it was quite critical of U.S. policy in an analytical manner, had a critical impact. There was hardly a page of it, I believe, that could have been cleared by the Defense Department not so much because it was based on classified material or even explicitly so, but because of political reasons one simply could not get out such critical material. It was essential for me to be outside the Rand Corporation to do that. Moreover, at a certain critical point in the paper I felt I had to use some direct quotations, which I did do in this manuscript, from top secret documents of 1961, ten

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years earlier. These had never been alluded to or released in public, and they had the effect of directly contradicting the impression that Kennedy had given of his decision making in late 1961.

I in fact gave the quotes, then, some short quotes from cables from Taylor and some long quotes from memos by McNamara cabled by Rusk. I did not go beyond what had commonly been done by Hilsman, Hoops, Sorensen, <sup>Schlesinger</sup> ~~Slesinger~~ in doing so; they had all given direct quotes from exactly comparable documents. In fact, it was striking that they did not include these particular quotes in their discussion of 1961, which did give a different impression from the usual.

I knew that on this basis I was quite unlikely to be prosecuted, but there was the danger that it would tip off, though in this relatively innocuous form, the Department of Defense and the FBI to the fact that I was prepared to make some use of the material - which the FBI knew at that point that I had - and thus they might swoop down on me to recover it. On the other hand, in retrospect it seems to have suggested to them that I was only going to use this in my own writing and in books, as had <sup>Schlesinger</sup> ~~Slesinger~~ and the others. They may have regarded this as less challenging, and certainly less easy to prosecute. Nothing did happen.

In any case, this long paper (80 pages single spaced), known as "Escalating in a Quagmire", was read very widely. About 200 copies were sent out, possibly more; it was read in particular by Clifford and Warnkey, who were well able to



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appreciate that the material and the direct quotes came from the Pentagon Papers. Kissinger got it also, though I'm not sure whether he read it or not. Probably 50 or more people who read that paper were able to recognize that it incorporated classified material from the Pentagon Papers.

I got a great deal of comment on it, but no comment on the fact that it used classified material or that there was anything wrong with this, with two exceptions. Halpern did criticize me for having used the McNamara memo in particular, and said that he felt that was a breach of discretion given the understanding surrounding the Pentagon Papers. I reserve judgment on that. He did not emphasize withdrawing the manuscript, which in its xeroxed form was very widely distributed, or even suggest refraining from using it in such manuscripts, but did say that I should delete it from a published version. In fact in the end I did delete those direct quotes from the published version when I cut it down in size, since that came out in the spring of 71 and by that time I figured that I was getting the whole papers out and it was not necessary to bring this out.

The other person commenting was David Halberstam, who observed that there was material in the '61 part that had never appeared before, and asked if there were any problem about reprinting it; no, actually, he asked me for assurance on my comment that it had not appeared before. It all seemed ----- that it was appearing.

I was encouraged by the very favorable response to



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✓ this paper, and by the many former officials who found it enlightening; this was in fact a pretty good medium for having an effect on the public (at least on the elite decision making sectors of the public relating to the Council on Foreign Relations and others). If it were not possible, then, to get the papers out as a whole, this seemed like a pretty good way to do it.

I began to contemplate the possibility of getting more of the papers into a book. It was pretty clear to me that if I did so, I was likely not to be prosecuted, that this was a relatively safe way of putting it out, since it followed so closely the precedent of Schlesinger and Hoops. On the other hand, I didn't regard it as the ideal way at all, inasmuch as I wanted to put the documents themselves in mass form into the hands of scholars, to let them form their own conclusions rather than having to rely on such segments as I might have room for in an analytical piece of my own.

✓ *in 1971?* Along with this proposal to get the material out by such people, I had spoken directly to Clifford in the late fall of 1969. For various reasons he had called me to come see him; he had a proposal of my helping him write a paper (which he ultimately did write in Life) going beyond his Foreign Affairs article of '69.

✓ In the course of a long discussion with him, I discussed the Pentagon Papers and my feeling that they ought to be out. He was not sure then what had become of them himself, and in my presence he flipped on an intercom to

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Paul Warnkey in his law firm. He asked, "Paul, what happened to that McNamara study?" He always regarded it as a study done for McNamara, even though it was completed under his administration as Secretary of Defense. Warnkey said, "They're in your safe." They were put in his huge vault that he had constructed for his Department of Defense papers, which he had brought with him from the Department. Clifford then said, "Have you read the papers yourself?" Warnkey said, "God no, there are too many, I haven't had time to look at them." I told Clifford that I felt strongly that the papers should be out. I cannot remember for sure whether he told me then or whether I heard later, that he was in favor of having the papers released but felt that he could not do it on his own without McNamara's permission. He did not say LBJ's, but McNamara. I heard from Halpern that McNamara was dead set against that.

I did say that I thought he ought to look at the manuscript personally, and that Warnkey ought to, too, or that he should have Warnkey go over them for him and have him bring out selected passages, and I described the importance of it. So this is two more people that I made a particular effort to see, to have read the papers. Both of them later specifically complimented me on my paper in person, on what they thought was the accuracy of my interpretation (it seemed my interpretation was more accurate than that of Gelb) in emphasizing the political considerations in the minds of Truman and his successors. Neither of them made any



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comment on the obvious fact that I had used classified material in preparing the paper, or even that there was some quoting in it.

When I got to Cambridge the paper was the subject of a number of seminars, ~~some~~<sup>one</sup> of them including Bill Bundy, a seminar which was formed specifically to discuss my manuscript, and which subsequently considered Gelb's and other manuscripts on the same subject. The seminar was chaired by Tom Shelling and included a number of academics from Harvard. Again, Bundy commented on the manuscript certainly knowing that it was based on the Pentagon Papers (as were parts of his own study). He agreed with some points in the paper and disagreed with others.

He read my paper but was very, very slow about letting me see the outline that he had produced during the preceding year. He finally did, and then I for various reasons was slow in getting around to reading it. It was not until about May 1971 that I finally read this very long outline. It was about 120 pages. This outline (which was of the book that he was working on) had a good deal of detail.

I was quite astounded by the outline, since it seems to me to be a succession of misstatements or misleading statements or lies concerning the basic decisions that had been made under Bundy and during his regime (some of them known very well to me from my own participation at the time, as well as from the Pentagon Papers). They seemed to be



flatly contradicted by the substance of the Pentagon Papers, even as far as those went.

I was quite amazed by this, because I couldn't think of any reason for his bothering to write a book of history, allegedly history, that would be so inaccurate. After all, he was not in the Government any more, and to contribute to misunderstanding this way seemed to me unnecessary as well as deplorable.

Bundy himself had moved to Washington or somewhere else for the summer just that week; he was no longer available. But I talked to his research assistant who had worked on the book. In going over a number of passages with the assistant, it turned out that in each case Bundy had in fact discussed the actual incident at greater length with the research assistant (whose name I can get). I would comment that this was not the way I recalled the incident, and I would give what seemed to me to have been an accurate description of it. At which point the research assistant would agree with me and say, "Yes, yes, that's what Bill said to me," and then he would corroborate at some detail the account that I had given. I initially didn't comment on this since I was going from one incident to another. I finally stopped and said, "Well, what is this. why is he writing it this way?" He said Bundy didn't want to write this book at all. I said, "What do you mean, he's here to write a book?" "Well, originally he intended to write a very general book about Asian policy in general, mainly Japan, Indonesia, and to comment very little on

missing?

(inaudible) and clearly at the rate I was going could have got five or six more out, you know, 300 or 400 pages, and then they would have had a lot to show and it was pretty finished stuff so it was close to a book. At the same time, remember, I was reading Pentagon Papers so another thing - not at the same time as writing these notes but before and after writing them I spent a lot of time reading the Pentagon Papers and this is something nobody knew about except Harry Rowan at Rand so they didn't know I was spending my time on it. In the summer of 1969 I got very absorbed in a very quick trip to Vietnam. You want to hear this?

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CN: I'd like to go back to the Institute.

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OK back to the Institute. The point there is, in the Spring of '70 Charlie Wolf became almost desperate in getting a book out of me and insisted that I must do it by June 1, 1970. My boss at Rand. And established a flat deadline after which there would be no more money. At this point I went to Harry and said "Who's kidding whom by this business of writing for Rand? If we're trying to write the Pentagon studies which is really what I want to write about, there isn't a chance in the world that it would be cleared by Rand so what is it all about." Harry said "Well, that's a problem. You may have to . . ." I said "Should I leave Rand?" He said "Well maybe you'll have to leave Rand at that point. That might be the way to



to do it. Parenthetically that is the way Herman Kahn wrote a book. He went to Princeton for a year and wrote on nuclear war, at Princeton. Of the many pages on thermonuclear war, probably 2/3 or at least half weretop secret until they appeared in "On Thermo-nuclear War" by Herman Kahn. He really just went through Rand research with a vacuum cleaner. It made many people very angry because of course he gave no credit and of course the excuse for not giving credit is the collegiate type of work at Rand. Herman had to do this. Oh well, those ideas were probably half of them mine in the first place of which it was probably true. He's an original guy. Buy anyway he just went through and took everybody's work and put it in his work. The point is that since it dealt with nuclear retaliatory forces it was all not just secret, well a lot of it was secret, but a lot of it was top secret. It was the only top secret work then being done at Rand. There is never at any given time much TS work at Rand. So this would have been based on Herman Kahn leaving Rand and writing a book and not worrying about the classification. Of course since Herman's book was very favorable to the Air Force they were not prone to make an issue of it. But it's funny I never thought of Herman's before. I always think of books more like this but Herman's is a more clearcut example that almost entirely consisted of material classified at the time he wrote it, regarded as highly sensitive. In fact, it's the kind of stuff I want to come out with later; in fact mine's a little bit touchier than that. Ok.

With Halberstam I was still at Rand as a consultant during the summer of '70. In other words I was at MIT and I



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was consulting, supposedly I was consulting (I was not receiving money for it), I had access to the building though and I did use the office occasionally and I still had access to a safe filled with Pentagon documents which/I continued to Xerox from time to time about leaving town. when crises arose/ When something would come up, I'd go in and do a batch of stuff and I did that right up to the minute I left Rand. I think almost the day before I left Rand I did the last batch and it was extremely good stuff. So I left Rand formally in April of 1970.

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But you continued to have access to the building?

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Yes, and to a safe and to an office as a consultant until I actually left town in September.

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You continued to Xerox right up until the time you left?

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Yes, from time to time, irregularly, because it was getting to be such a bore staying up all night doing it. One batch was very important. It suddenly occurred to me that a guy named Bill Simons at Rand had - by the way went to the (inaudible) - a guy named William Simon who was an Air Force Colonel now on the Joint or the Air Staff the decision making Staff/had gone to work on/1964/which was my period of being in the about June 1970 Pentagon. It suddenly occurred to me/that although he had the permit to have his manuscript at Rand, he had written his manuscript at Rand and he had his copy at the top secret office. Each person from Rand worked on the study. Each person was forbidden to have a copy by the terms of the study. Each person did have a copy filed at Rand

without exception. It suddenly occurred to me that he quoted a lot of documents which meant he must have brought a lot of documents back to work on them and I bet that he did not return those documents or takethem with him. He probably left them in the top secret system. So I went to ~~Champ~~<sup>Jan</sup> Butler and asked her if she had a file related to the McNamara study by Bill Simons and of course this would not appear in any index. She said "Yes". I said "Ah, very good. Let me see it." And since I was authorized to see McNamara study stuff, she gave it to me. /<sup>Remember</sup>This is probably not in any index they have. It turned out this was one of the last I saw - it turned out to be a treasure trove of every good cable<sup>s</sup>, hot cable<sup>s</sup>; it has more evidence of crime in that one collection of documents than anywhere else in the whole study relating to

mid-1964 and late '64. Fantastically good. So I, that is, I justified my staying at Rand, that is I asked myself why I bothered, to tell me it's worth it so I took that out and it was actually the last thing I Xeroxed. So if they know I have that, they have a record of everything that I took out.

Now, the thought occurred to me that the one way of getting this stuff out was to deal with someone like Halberstam or Stavins who could put it out in their books. I thought they were worthy people and would do a good job, the question was were they discreet enough not to let the FBI know prematurely that they had the stuff and would I have some control. The secondary question, would they give me access to their interviews which should be very interesting for my own analysis. Could they work with me? Would I have some control over their interpretation, could I get my view in the book? So I had great hope that Halberstam was the guy.



Unfortunately, when Halberstam, whom I had known slightly over the years appeared, he spent about three days. His attitude was totally exploitative, though he knew me, he wanted to act simply as an interviewer. I'd say OK, what do we do next, and I was sitting there in boredom and frustration realizing that if I wanted

to I didn't have to recite from memory, I could give him my entire (what he wanted was '61 especially) I could give him my entire '61 manuscript which would give all this stuff in detail and I was very bored in trying to recall it from memory and repeat it to him because the real issue in my mind was do I or do I not give him the whole thing. He knew that I had that study. He knew that I had the documents in my safe. I think I told him about the study in general and told him that I was generally referring to the study when I discussed with him but, crazily enough, he made develop no effort to ~~encourage~~ me as a source and to encourage me to get it directly to him. What he did ask me for, and this is worth recording probably, he many times asked me for the Taylor report. Now I told him, just to get it on the record, make sure you realize the Taylor report is top secret. You're asking me for a top Neil or secret document. He like/anybody else would say, he'd say "Can you get it for me?" Ok, very funny. It didn't occur to him somehow to ask "Give me the whole report, the study." His attitude toward me, in other words, was so closehanded and suspicious, in effect ~~fact~~, that I'd say "I don't want to discuss this stuff. We're wasting our time. Let's discuss the general principles, the lessons to learn, etc., and I can get you the details if you really need that or you can get those from anybody." He doggedly kept on with this day by day recapitulation. And I ended up considering "Here is a guy who so much wants to make his fortune he doesn't want any kind of a partner. He doesn't want anybody to share the credit, or what not. Which means I will really get no collaboration with him. Also I

felt uneasy at the thought that I would be giving him material which would go in his pocket, a million dollar best-seller or something. And I didn't feel confident that I could get an agreement from him that the money would go to some other use. Otherwise I would have liked to .. so many times I discussed it with Patricia, "Should I offer to help this man? With his interviews and my documents and knowledge of the past we could do the definitive work. That would be perfect." But Pat always said (and I'm sure it was right) " Well, but he doesn't want two names on that cover. He doesn't want . . ." (That wasn't crucial to me whether my name was on the cover or not). . "but he doesn't want to collaborate, he doesn't want to share credit." Which was clearly the case. Ultimately he assured me I was his first interview and it was extremely inconvenient for me to see him; we spent three days at it, but he insisted on doing it because he said he couldn't interview anybody else until he had interviewed me. So he told me, however, I would see all his other interviews, he promised me that, and that he would give me a transcript of what said I had/which I thought would be quite useful. Ultimately he gave me the transcript after a year later and about the 44th time I had asked him for it in person. Finally I had to go to his office, in fact I went to see David, and said "Can I have the goddamned transcript or not?" I finally got the transcript out of him. Never got a look at the other interviews even though at some times he told me things that were extremely relevant to what I was doing.



So it's clear that he just wouldn't collaborate. Next I saw Stavins. Well, Stavins is a strange guy. He was a lawyer and was clearly kind of strange, psychologically strange, person, very emotional. He would come out with a statement as to how the war happened, what it was all about, quite radical, very, very dogmatic and usually quite interesting and not familiar, but oftentimes I thought half wrong. You could argue with him and the first question I really wanted to know in dealing with him "Can he learn anything?" and I was gradually reassured that over hours of argument you could affect one of these dogmatic propositions; in other words, he would cling to it very strongly but ultimately you could get somewhere with him. So it was worth spending time on. Now the second reason I thought it was worth spending time was that he was clearly original, maybe brilliant, creative, and brought a very interesting perspective. He had studied with Hannah Arendt, studied her stuff very much. He seemed to know a lot of odd sources like Catholic (inaudible). He was very unusually a person that I could learn from. Theoretically he had a very interesting analysis, though quirky. He started out, on Vietnam of course, with no background/so I was filling him in with the stuff. We had a very exhilarating intellectual time which took about 2 1/2 days which I could afford. I was left with the feeling that he was a very interesting person that might well want to get into stuff ultimately. I was especially reassured by two other things. It would come out through the Institute and I felt that

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through Raskin and Barnett I could probably assure myself of some degree of influence over the final thing, controls from a legal point of view, and second, coming out from the Institute it would have a sort of academic aura to it which would give it more legitimacy; third, that it would be a three volume work and would be comprehensive enough that again it would look academic, intellectual, scholarly, and would not open me so much to the criticism of selling secrets; fourth, the money I could assume would not primarily go to private profit but to research so that problem would not arise; fifth, and this he to some extent shared with Halberstam, Stavins was interviewing a great number of people. He had already interviewed a ~~great~~ number of people, so that the source of this stuff would be to some extent disguised. It wouldn't be so obvious that he had gotten it from one person since he was talking to a lot of people. A lot of people were showing him things, in some cases documents. For example, the man (I'll have to think of his name) the man who was the rapporteur (sp?) for the Special Group Counter-Insurgency, Robert Kennedy's , Harriman's operations all over, and Maxwell Taylor's which dealt with counter-insurgency/ not only talked very freely with him but told him he would show him the minutes of the Counter-Insurgency - very hot stuff.

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What is it?

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Special group Counter-Insurgency was set up after -- the other group to the 303 committee (inaudible). In fact, it was considerably less sensitive, not at all as sensitive as the Special Group, 303 committee. As a matter of fact, there was a confusion



about this but it was cleared up. Stavins' impression was that what he was going to get was the minutes of the 303 committee. I think in the end that's not what he got that what this guy had was the Special Group Counter-Insurgency. But anyway he did get a great file of minutes so this guy had kept, like his copies of everybody, /what was close to the most sensitive stuff. Now when you talk about minutes of the 303 committee, you're getting closer to the most sensitive type and he did get some discussion of that. So he'd already seen a lot of people. They'd given him quite a bit. He was clearly a good interviewer though his technique was to be very aggressive, to shock you, with an abrupt request for something. Specifically on the 303 committee which I mentioned, I told him this was a sign of the later troubles to come. He had a very good interview with Vance, very forthcoming, and Vance was a member of the 303 committee. I was surprised at how much these people told him. So it was clear that a combination of documents and interviews could be very powerful. One of the things Vance told him specifically /that no one in Washington supervised specifically the details of the 34A operations, the mainly naval operations against North Vietnam. I told him I personally carried the details of those operations as a courier to the State Department to be initialled by Llewellyn Thompson or Alexis Johnson, within OSD to be initialled by Vance, having already been initialled by my boss at the 000 and to the White House to be initialled by McGeorge Bundy. Now you realize this is



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essentially the membership of the 303 committee. The 303 committee which supervises covert operations consists essentially of the Deputy Secretary of Defense, the Under Secretary of State or the Deputy Secretary for Political Affairs and the President's Special Assistant for National Security Affairs ( Bundy) plus usually the head of CIA, the DCI (Director of Central Intelligence) or could be the DDP. (inaudible) Deputy for Intelligence (DDI) is head of \_\_\_\_\_ but this would be, I think, the Director of Central Intelligence. It might have the chairman of the Joint Chiefs of Staff on the ~~joint~~ 303 committee. (inaudible exchange) Vance, then, is a member of it. The people that I used to carry stuff around to, on covert operations, were basically the members of that committee. The committee has a small staff of its own and keeps minutes, etc. which the State Department, the No. 2 man in the State Dept. So Vance had told him all this, apparently very confidentially. Nobody supervised the details. I said, Look, I personally carried them around and got initials. He found that hard to believe because Vance had told him otherwise. I might mention that ultimately out of the very stack of stuff that was my last batch of initialled actual cables and memos, the raw materials in other words, is the memo from Cy Vance saying 34A: operations will be authorized in in the following manner, describing/detail the operation which I described to him. They will be viewed by the Asst. Secretary for ISA, then they will be initialled by the Deputy Secretary of State, Defense, etc., completely corroborating what I had told him. I had never seen that memo myself. So he was very struck when he saw

that because Vance had directly lied to him. Anyway, Vance had stopped talking to him because, as I told him, you must never be very blunt about the 303 committee if you want to discuss that with Vance. You've got to discuss it after you establish great rapport with him, late in the conversation; you've got to bring it in at the logical point of the conversation and because I can tell you that will scare anybody off if you even mention it - you are talking now about one of the most highly secret operations of the government; you're not even supposed to know it exists. So the next time I saw Stavins he said the thing had fallen through with Vance. Vance no longer would talk with him. I said "What happened?" and he said "Well, I went in, sort of friendly, again and he said 'What do you want to talk about' and he said (Stavins told me) 'I want to talk

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to you about the 303 committee." I said, "Jesus Christ, Ralph, what whole is this?" The point is I later realized this is Ralph's/modus operandi. The way I defined it finally was he really is only happy when he can rape somebody; he's not interested in seduction. He wants to compel them to do something that they are unwilling to do and he wants that kind of achievement and he will press someone always to a point further than they want to go and when the relationship breaks up he is very sad. So he no longer could talk to Vance. The same thing happened with several other people. I mention that because the same pattern arose with me in the end. I now tried 2 1/2 ABA (?) with Ralph. I now had I would say one other meeting giving him further information after he had talked to other people and he showed me interviews he had done.

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Interviews? Would these dates of meetings be in your books?

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Yeh, probably, yes. The interviews showed that he was getting good material which showed me that he would disguise the source of what he got because he got so much from everybody. On the other hand, I could see lots of inaccuracies including his own account of my <sup>interview</sup> . . . unlike Halberstam, he showed me very freely. I'm sure other people he showed. So he with other people which were interesting showed me very freely the other interviews/and I corrected mine, quite a few little mistakes in it, no doubt in the others as well. Meanwhile I talked further to <sup>Hertzstein</sup> Hertzby and \_\_\_\_\_ and got the idea that I could pretty well monitor what he would do.

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What gave you the idea?

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<sup>Hertzstein</sup>  
That through Hertzby and Priscilla, I would have an ultimate lock on what they might publish because they were trustees, too, and could probably veto doing anything. Priscilla, <sup>Hertzstein's</sup> Hertzby's

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wife, also a lawyer, Harvard Law Review . .

\_\_\_\_\_  
. . . famous type

\_\_\_\_\_  
type of person?

\_\_\_\_\_  
I don't know her personally but she has a wide reputation.

\_\_\_\_\_  
In what way?

\_\_\_\_\_  
She's very smart, intelligent, competent, one of the first females  
who really <sup>hold</sup> ~~could~~ their own in the lawyer's world  
\_\_\_\_\_

at Covington & Burling --

In two minutes, I'll tell you a famous love affair which is they were very close, both on the law review. He went off for some reason, refused to marry her or something and she married a colorless guy as a sort of insult to Bob. Dick was also on law review but much less distinguished, and went off on her honeymoon. Bob was sitting with some other friend of mine, which one I forget, we were all a Crimson bunch, and said "I must have that woman." Went off, they came back from their honeymoon, appeared at their house, where she had just settled down, and left with her. Bob, by the way, is a pretty mild guy, not a tremendously colorful romantic figure, and they left. She got divorced and married Bob and they've been married ever since.

So anyway, Bob by all indications was not sharing with Priscilla when I was telling him about this stuff because she'd ask questions to show she didn't know but I was asking her about the War Crimes statement (inaudible). All this time my hopes were on Congress. Now, in August, by August 1969 it was clear that Fulbright was not coming through with the hearings that he promised to follow the Cambodian episode. Remember they didn't even have hearings on Cambodia. Or on McGovern/Hatfield and all this stuff. They had to vote on Church/Cooper and they promised to have big hearings; they were going to have Pearl Harbor type hearings involving the staff people like Norville Orville Jones were going to get up hearings based on the Pentagon



Papers which they had a full set of by that time.

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Fulbright?

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Yeh. I guess the very last thing I ever gave Fulbright probably was the copy of this last batch of stuff I got from the raw material. So they had the full set and promised big hearings but in the course of the summer got completely cold. By early August just before my wedding, Norville Jones was telling me "forget it. Nobody's interested, cannot have hearings." That left me without any clear way to do it. I saw that I had no choice but the Institute. This is '70. I arrived in New York a couple days ahead of my wedding. The wedding was August 8th. I think I got here on the 7th and asked if Stavins had been pressing to see me about various things. And so I had brought with me from Cambridge a copy, a full set of stuff, thinking that I might give it to Stavins.

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The papers?

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The papers. I had to make a last minute decision on it.

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Nothing further from \_\_\_\_\_?

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Right. I was going to go off when he included stuff papers like that went beyond the raw materials like cables (inaudible). So I wanted to get a last feel for Stavins, how well I could work with him, etc., so I asked him to come to the apartment on August 6th or

(Herzstein)

7th. I called Bob from a pay phone before hand and said I thought I was inclined to give this stuff to Stavins and wanted him to think about it. His attitude was "Don't give him anything but if you want to show him (having been through all this stuff, if you want to show him, that's your decision." So my decision was to show him the stuff, let him read it in the apartment. It might have been the 5th of August, the 5th or 6th or 7th. Probably the 6th. I had a long talk with Ralph. Up to this time, I had not told him of the study during the interview. I gave a very long rap about the study, about the secrecy surrounding it, about the risks, the legal questions, and told him quite a bit of the background so he would understand how sensitive it was.

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Do you have that on tape?

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Nope. Anything to understand it all. And I said what I proposed to do was to let him read it for his background. He could write notes. He could <sup>thus</sup> develop questions to ask other people he interviewed. My own opinion was he should develop questions and get the stuff from the interviews. Then he could print the interviews. He said "Okay". He'd follow any rules I set down. Among the rules we'd have to consider are there would be no quoting of the papers without my okay. I would have to read the final manuscript of the stuff. Fine, Okay. No quoting unless I ok'd it and that only he would see it. All right. He then read it - I then brought it out and he read it virtually all day. We went out to



(inaudible). Pat was in the apartment. I would say at this point Pat had never read any of it, never seen any of it. I made an effort to keep it separate from her. All right. Of course, he's very excited by the end of the day by all there was. He wanted to keep reading the next morning. Came the next morning, he said, obviously I can't take notes - first, he wanted to take it to his hotel room and I refused to let him. Then he said can I take this back to Washington and read it there. No. I had early, I guess this was the day later I talked again to Bob, and he made a point of not giving it to him. So I tried to get Bob again and was not able to get Bob to ask further advice. Finally, now we were almost leaving, I think/<sup>this</sup> was the day of our wedding, probably August 8th. We were leaving for a few days and I was going to be away I hoped about a month, This was also going to delay things quite a bit. And I had some reason that I was (inaudible) for it to come out. So I finally said, "Ok" (inaudible) He said, "Can I make a copy of it" you know. Well, I know from my own experience it's true in the age of Xerox it's unbearably tantalizing not to Xerox something and have to write in longhand. So I said OK and I know when I say this, I said this a hundred times, there's a certain unreality in saying such a thing but what I am asking you is that the copy will be seen only by you and I would say (inaudible). Well, since they run the Institute I'm sure you will have to discuss this with Raskin and/or Bernet. That's all. That's all that will ever see it. But he had a girlfriend secretary



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that he felt was absolutely reliable. You know, he almost married her, then they broke up. . . that would handle it. No other secretary would deal with it. Then I said I got some impression that a typed copy would somehow be a little less of a copy than a Xerox copy, maybe less incriminating.

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What                      ?

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When I later told Bob he said, No, a copy is a copy. He said it didn't make any difference. Then, of course, when he heard about Xerox technology it turned out it made a lot of difference but we didn't realize that. However, I said Ok I said make copies and leave off, you know, some of these indicator things that show which copy it is, etc. if you want to type some copies of. No xeroxing. No copies, only the one copy. And I went through an enormous ritual to try to assure that he would keep the copies down to a minimum, maybe have only one, without any belief that it would be absolutely reliable. So he went off with the stuff.

Now, what I can't remember is -- I certainly gave him this pile of cables and memos which in some ways were the hottest stuff to give him. But in particular because nothing else so clearly related to war crimes. I might mention some of the reasons for that. Specifically, they dealt with the whole operation of the 34 A operation, many details, more than are in the McNamara studies themselves, more details, of the details of the 34A operations and how they were controlled. These were the covert operations that

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that are pretty clearly acts of aggressive war against North Vietnam. Second, they included proposals by the JCS which in one case were seconded by Asst. Secy of Defense McNaught for deliberate provocation of North Vietnam to which we could retaliate, things ranging from the sonic booms over Hanoi (they have been, by the way, often mentioned in books. I think the first mention of these very plans is in a book called Crisis Decision Making by <sup>Weinthal + Bartlett</sup>, the names that occur to me are Charles Bartlett. I could be wrong. It's a book about crisis decision making, I have it in my office, and it has a chapter on decision making and for the first time has some details of these plans for provocation including, I think the chapter heading is Sonic Booms over Hanoi, which was one of the proposals for low level reconnaissance flights, high-level reconnaissance flights, incursions, flights of bombers, sailing the DeSoto patrols closer to the shore til you practically beached it on the shore. So here you have these plans for aggressive war. The word "provocation" is used a number of times. Then you had the plans for the bombing campaign over North Vietnam, a whole lot of stuff on that. So the stuff is just . . . it is of war crimes evidence which is 75% of the book. You can dip into that. You can point your finger at this material which is about this thick and I would say you have a 75% chance that your finger will rest on a war crime. It was exactly what he wanted so/ mainly what that's I gave him . . . I also gave him material on 1964-65. My memory is that I gave him sort of enough to keep him busy but that I did not give him the whole thing at that time, but I may have. Maybe Pat knows . . .



This is the first person that I'd ever given or shown the documents to other than Fulbright that I can remember. Anybody else . . . I can't remember. . . I'd never shown Halberstam. So then he gave me these hundreds of assurances that he was aware of what the problem was and I said that after my honeymoon we could connect again and I would give him some more stuff, whatever. Now, I cut short the honeymoon to come back and keep a date with Henry Kissinger which he then proceeded to postpone by a couple of weeks but the upshot was, the purpose of that was twofold, one of the major purposes was to convince Kissinger to read the Pentagon Papers, so we'll come back to that. "Stavins didn't communicate with me and at some point he came up, I guess, but this is vague in my mind now, and got another load and he may in the end have had - no, he got another load, that's about it. I'm not sure if he had, if they ever had more than the '64 . . . I somehow must have, I guess I must have given most of the papers in the end. Still, there were things he was reading up in my apartment later so he must not have had them all.

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Do you recall when this next meeting with Stavins was?

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No, the book might show it. . . Well, meanwhile after I saw Henry and everything, you know I was married and I moved to Cambridge, I expected to hear from the Institute. A third agreement that he'd given me was that I'd be treated as a partner on the whole study, that is, I would be allowed to see all the manuscripts and to comment on them and I said that I was not asking for any veto

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on any interpretations, of course, that was theirs but I did want the chance to comment on anything so that my view would be input and that was, they said, "Oh, of course, we want you to discuss it" (inaudible) Anyway at a certain point, after Cambodia (inaudible) Oh, you know where I'm getting screwed up on all this? Yeh, this explains it all, I think (inaudible) Ok, at a certain point over time it became clear to me that the Institute and Stavins' operation was simply extremely indiscreet. One side of that was that, yes, I went to a conference there at which I discussed my quagmire paper and this wasn't too long after I gave it in September so this was, I guess, in the fall of '70. It had to do with China policy. I discussed my quagmire paper and Les Gelb (?) was at that meeting and also discussed his papers. It was the first time I'd seen him for some time. He had not appeared in Los Angeles. That's right, I had a lot of dealings with Stavins during this time. And I was at the Institute. I wanted to get a copy of my interview so I was referred to someone and she picked out the copy of my interview from this open table in the next room to where the conference was being held. You know, it couldn't have been more open. I got very dismayed at that. Secondly, when I looked at the interview which was very detailed<sup>in</sup> which I'd given him a lot of secrets from the study and from my own experience, I found the interview had my own name on it and I was referred to throughout it as Ellsberg, quoting me, it was, of course, unclassified but I mean it had no administrative restrictions on it. It was just lying there with all this dope on it and

there was no reason, of course, it was elementary not to have my name on the interview, it should have just had A. So I thought that was pretty sloppy and here was this guy who/said, "oh, yes, here's one of the best we got" - it was clear that it had been widely read at the Institute. Then he showed me a bunch of other interviews they got and again all of them having a lot of very indiscreet stuff in them from W and Taylor and all kinds of people. And they were just lying around and clearly had been widely seen so that disturbed me. At the same time it was clear he had not told this other guy whose name was George Timkin(?) who worked for the study, Timkin didn't know my other dealings with Stavins and was anxious to interview me on classification which he was writing about. So I spent some time with Timkin and ended up concluding he was a nice, well-intentioned friendly guy but unbelievable indiscreet and immature in his judgment. For example, and this is rather relevant, he said he had spoken to a guy in the Army, I think a General Peers(?), one of the first SAC specialists, and who had been in Vietnam and who was himself a war criminal and who had fought as a guerilla in Burma (inaudible) I knew it was after I'd given him the documents but I couldn't remember being (inaudible)

After my honeymoon which was cut short directly in the middle, two weeks instead of four weeks, in order to come back and see Kissinger, I ended up spending about a month in Los Angeles in <sup>(Malibu)</sup> ~~Clark Kerr's~~ (?) (inaudible)

During that month I was visited by Raskin and Stavins and Raskin's



wife and they had apparently come west on the excuse, for no other reason, I thought, an expenditure of Institute money, evidently supposedly to see me but curiously uninterested in discussing the subject or policy. I couldn't figure out why. It turns out that their main interest was to see a couple of people, friends, and to visit Las Vegas which Raskin never visited and which he insisted on visiting despite horrible rectal or groin boils or something in which he was in horrible pain but having come to see Las Vegas, and I assured him that Las Vegas was not something that was going to overpower <sup>in ecstasy</sup> the pain of these boils, he insisted on seeing it anyway. So they weren't terribly interested but the news that they'd come to see me about, which they couldn't tell me over the phone, was that I no longer had a lawyer and more interestingly that I had ceased having one some month or six weeks earlier but had not been informed by anyone. This was because they had, though they said they would not tell anybody about the documents, had decided to see their lawyer. Well, I couldn't complain about that too much, but then it was Mitchell Rogovin who is Raskin's personal lawyer, I guess, and found themselves in a conference with <sup>Herzstein</sup> Herzky for reasons which were not clear to me at the time but which in retrospect according to Barnett <sup>Herzstein</sup> were very simple. Barnett <sup>Herzstein</sup> claims that Herzky was the Institute's lawyer. Now that had not been clear to me, somehow. My understanding was that Priscilla was on the Board of Trustees and I thought Rogovin was the Institute's lawyer but according to <sup>Herzstein</sup> Barnett <sup>Herzstein</sup> Herzky was their lawyer.



Wait a minute, Raskin, Barnett and Stavins turned up in September. It was the weekend of the Ontario 500, the opening of the racetrack. [inaudible] So they had gone then to their lawyer, Mitchell Rogovin, to discuss the problem of the documents which I had given to Stavins a month earlier. They found themselves in a conference with <sup>Herzstein</sup> Herzky who, according to Barnett, is the Institute's lawyer, also my lawyer. He had told me by the way he felt that a part of the deal . . my case on a pro bono basis, that he had not charged me anything for the several sessions I had had with him. And apparently had not told the firm anything about the case. Rogovin apparently felt immediately that the <sup>members</sup> (inaudible) of the partnership should be told about it because there was a potential conflict here, a conspiracy, involving the firm whose two lawyers were involved, two parties (inaudible). Raskin and Barnett told me that when they went to Rogovin they did not in this meeting ever mention my name and just said they had somebody who had given them some documents and <sup>Herzstein</sup> Herzky in the course of the conference said "Oh, I know who it is. That is Ellsberg and that is my client." He informed them and they, of course, didn't have any reason to know that I'd been going to <sup>Herzstein</sup> Herzky. I was surprised to hear that <sup>Herzstein</sup> Herzky had brought my name up like that unnecessarily. So they then went to the executive of the firm and he immediately got up in the air tremendously both about the nature of the case in a potential conspiracy. and the fact that two people were involved. So this then got a big meeting of the board of partners or whatever and, of course,

I became aware as I listened that what they were telling me was because it looked like now ten people of the firm of Arnold and Porter knew my name unnecessarily. They told me, they, of course, didn't know I was (inaudible)

Some people got very excited about this and they said that a suggestion was made seriously that the firm should call the FBI and tell them everything they knew. It was considered (inaudible) cooler heads prevailed, supposedly, and but that the upshot was twofold - that Phil Stern, the main benefactor, I guess, of the Institute and one of the trustees, should be told about all of this, which Barnett was unhappy about (inaudible) didn't feel, although it seemed (inaudible)

but did assume, but did not give his consent and expected further negotiation on the subject, to discuss it and all. But believe instead got, I/a copy of a letter saying "we have sent this letter to Phil Stern" so without further negotiation the firm simply went ahead and revealed the whole thing to Phil Stern which Raskin said he was very pissed about, it did not seem right, and simultaneously the firm dropped both Raskin on this point, at least, and me. So the upshot, so we won't be in a conspiracy, we both have a lawyer. I said, "You mean, I don't have a lawyer, right?" "Right" "As of when don't I have a lawyer?" "Well, as of about a month ago." I said "And why didn't anyone call me and tell me this?" <sup>Hertzstein</sup> Hertzky I later called and he said "Well, I didn't think it was that important and I was in a sense . . . I want to find you somebody else. I'll find somebody else who'll be good for it but I didn't want to talk



about it over the phone and they said they were coming to see you." But at least a month had gone by during which, I take it, tell me if I'm wrong, had the FBI come in on me during the night and I called my lawyer, I would have discovered that I didn't have a lawyer. Is that right?

CN That's the way it sounds.

Yeh, a peculiar situation, I thought. So, I mean if I needed representation in court <sup>Herzstein</sup> Herzky couldn't have done it, right? He was preparing<sup>ed</sup> to give me private advice which he did continue to do. Now, jumping ahead a little bit, I just had a confrontation with Barnett<sup>ed</sup> at the meeting the other day, spent about an hour and a half talking to him about my complaints about the Institute and he did reflect a little of it on <sup>Herzstein</sup> Herzky and said that his strong impression was that <sup>Herzstein</sup> Herzky was merely covering his own ass and that all the description about the firm being caught in a conspiracy reflected largely <sup>Herzstein</sup> Herzky's concern that he was caught in a conspiracy by virtue of being the Institute's lawyer, which I didn't realize til Barnett<sup>ed</sup> told me that, and representing me at the same time. And that that had led him, and he did feel that <sup>Herzstein</sup> Herzky had shown a genuine friend's interest in my welfare and that Barnett<sup>ed</sup> felt however that this reflected against <sup>Herzstein's</sup> Herzky's interest in that he seemed very concern<sup>ed</sup> that the Institute not get too involved. He had been somewhat discouraging to me but he had not vetoed it or anything like that. When I told him what I had done with Stavins, he reminded me, but I needed no reminding,



that he had told me not to give copies to Stavins. And I said "I am well aware of that, I know you'd told me that, but I couldn't get hold of you and it just seemed I had to make the judgment to give the copies. That's my own responsibility." So, then what they told me was that I did not have a lawyer. Anyway, they were going on - they were mad. So,

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(Pat) [inaudible]

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That was the weekend of the 5th then. Honey, do you remember when that weekend was we talked to George P <sup>patkin?</sup> (inaudible). I went to that Chinese . . . Well, anyway, I discovered that here was this guy trusted by Stavins to be an interviewer who was totally indiscreet, totally immature and what I started to tell earlier was this: He'd gone to see Gen. Peers and he mentioned something or other which had nothing to do with me and Peers said a very curious statement: "I know where you got that. That's from Dan Ellsberg." Now Peers has never met me so I thought that was a very interesting statement. So <sup>he</sup> I said (inaudible) "We know all about Dan Ellsberg." (inaudible) Evidently he had had some kind of report. Incidentally, remember sometime we have to go (inaudible - voices mixed with Pat's phone conversation or conversation with LBB).

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So I felt I had to tell. I told Pitkin that I had to mention this to Stavins, about ~~Comer~~, I told Stavins about this (inaudible - not sure this is Ellsberg speaking)

But I began at that point to be uneasy about the Institute's handling of the whole thing. I felt Stavins was not showing good judgment in choosing such a person as an interviewer. I began to worry, delicate matters. So I had asked to see other interviews. They promised to show me other analyses but nothing came back. I never heard from them and I was reluctant to use the phone but once or twice I did phone and say that if they were coming out with any manuscript I hoped I would get to see it. Nothing at all came back and I began to get uneasy. Honey, <sup>[Patricia]</sup> was it the time when in front of Hertzky ~~Hertzky~~ Herzstein I had the party involving Stavins when I asked him for the stuff, / was that the same weekend we had the trouble with Gelb? I think it

probably was.

I would think so. I'm sure of it, yeh.

OK,

Now, this brings in another part of the episode we'll have to tell sometime. But this very weekend at that meeting, Gelb seemed oddly cold to me and I couldn't figure out why and it was so marked that I felt I had to discover why and I made an appointment to see him at the Brookings Institute and had a long session with him at which he revealed an almost psychotic paranoid notion he had that I had plagiarized most of the central ideas of my paper from him whereas my perception would have been rather that he got most of what he had from me <sup>from my earlier talks with him in 1967 and my</sup> And I was quite shocked by this and that's a long story. The upshot of that was which I expected that to come

draft study  
of 1961.

2009 note: (as I knew, it went both ways, a  
dialog. I told him <sup>(in 1967-68)</sup> about certain patterns that  
held both for JFK ('61) and LBJ (1964-65).

From his reading of the earlier parts of  
the Study, he informed me later that the  
szm phenomena showed up in the hst and  
ike administrations. Both our 1970 papers  
generalized about these patterns (which I believe  
I first identified) for the whole period; my reading  
of the earlier parts (in 1969) led me to confirm Gelb's  
observation about them.



out all right. We were sure he had such crazy ideas in his head which could be easily refuted, and I told Stavins all about it. I was quite upset by it and told Stavins that this somewhat affected the calculation of risk, in that I had hoped that when this thing broke the basic sympathy of the Gelb, Halpern, Warnke, Clifford coterie, having authorized me to do this in the first place, even though they might be embarrassed by it . .

CN

When what broke?

When the Institute stuff broke. And that this affected . .

CN

In what sense had they authorized you?

They had authorized me to have the study, not to break it. But still I felt I would have their basic sympathy and had been very close to Gelb up to this point. That now I would <sup>have</sup> to expect <sup>Y</sup> however it came out even if I smoothed this over <sup>Y</sup> that when it broke that Gelb would act as my enemy and he was a critical figure in that group and therefore I could expect all of them in effect to turn against me and would be without shield and that meant that the risks of the thing were significantly affected by that and taking a number of things, I told them I was going to think about it overnight and might ask to have the interviews back. I was not . the question of risk here really was whether I was willing to

have the marginal risk of having a lot of extra copies of this out. Now I think by this time he had revealed to me the other disturbing fact which came as a surprise to me. (garbled conversation about running the tape recorder) Footnote; as I came up to the prison yesterday Hayden was driving the car cuz I had this bandage on my eye and as we got off the freeway, we were picked up by a red car which followed us, following us for no obvious reason, and we stopped a couple of times, didn't exactly stop and went on, and they'd pick us up again, not unlike the situation when I went to the County Jail and they kept saying, "Ellsberg's coming, Ellsberg's coming, what are we going to do?". When I came from the parking lot this word preceded me, according to Balaban, who was back from the sheriff, "Ellsberg's here." So, Ellsberg was coming and Tom was sure that the car was bugged since I had had it parked in the prison parking lot. (inaudible)

His claim was, when I discussed it with him on this weekend, that four copies had been made, or five, four or five copies of the notes that I had made, I had given him.

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That's the interview?

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No, no, the papers. First, he had assured me no copies would be made. Now I learned -- and at most Mark and Dick would be told about it -- now I learned that Mark and Dick had copies as did Michael McCabe (?), whom I'd seen only to say hello, not at the Institute of Lay Psychoanalysts, whom I had known rather well at Harvard who was

a year behind me on The Crimson, he was the president of the  
Crimson the year after me, but had seen only for one minute since  
then to say hello, I had no sense of him as a person (inaudible -  
mixed talk about the sun) - I have the uneasy feeling that we are  
getting interesting pollution effects here but you have to admire it  
anyway. (mixed talk about eye and hepatitis)) Where were we? Oh,  
so he had given the copies to <sup>Maccoby</sup> Macabee and also to <sup>Len Raiton</sup> Glen Ryberg (?)  
<sup>Len Rodberg</sup>  
whom I had scarcely met. So there were four. Plus he talked of  
sending a copy to Dick Falk and I wasn't clear whether he had yet  
sent it or was going to so that would be five plus probably one  
for Stavins. Anyway, I said I was very uneasy about this and I  
wanted to think about it overnight and I might ask to get all those  
back. I talked to <sup>Herzstein</sup> ~~Hertzky~~ about it and he sounded very disturbed  
and felt I ought to try to get them back. We agreed that it was  
unlikely that I could with any confidence get them back at that  
point, you know, but I could make a stab at it and test his  
intentions. The next day I was at a cocktail party given to me,  
for me, by, I believe Mort Halpern out at his house. Stavins came  
to this party at which I met Tony Lake . I'd met him a few  
times before but I congratulated him on having left Henry Kissinger.  
I hadn't seen him since then. At the end of the party as people  
were leaving, I asked Stavins in front of <sup>Herzstein</sup> ~~Herzky~~, I said "Ralph,  
I've been thinking about it and I am asking you now to return all  
those copies."



Tape 3/1

I asked Ralph then to return all the copies to which he replied "That's impossible" very gruffly. I was taken aback by that and said "What do you mean?" and he said "well, that's impossible." Oh, this was a Friday and I was leaving Saturday but could have stayed til Sunday. So I was asking him essentially to go get them from these people's houses, essentially to get them back to me Saturday morning. Well, I did assume, or preferred to assume, that what he was saying was that it was physically impossible to collect all the copies that abruptly from all these different houses and hoped that's what he meant. And even so, of course, it was clearly not impossible; it would just take a lot of effort but I decided not to press the thing. Stavins went off and I said, "Well, as soon as possible, Ralph." Stavins went off and I said to Bob and I said that "that attitude, meaning, the abruptness, shows that I can't count on Ralph. I suppose I won't get them all back but at least I'll try." Ok,

side 1

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a few days went by and I called Ralph and said, about Wednesday, "Ralph, I'm waiting for these copies. When can I get them back?" and he said "But they haven't had time to make notes from them." I said, "Ralph, is that what you meant when you said it was impossible?" and he said "Yes" and I said "But, Ralph, I had made it perfectly clear that I did not want them to make notes from these, in fact I didn't want them to have them at all." He said "Well, we talked about convenience" and I said "Look, it's perfectly obvious that it's more convenient for them to have them, for them to be able to study these things and make notes and write articles on them but my decision was and you were very clear on this that despite that convenience, I was

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not willing to enlarge the risks by having that many people know about it and I didn't want them to have it so I want those things right away." Well, he sounded disconsolate and I said "You can read it, etc. and you can read it up here but I want all those copies back" so he said "I'll bring them back." Time went on, a few more days, a week or so; finally a week or so later he arrived in Cambridge with the understanding that he would spend several days in Cambridge/or a week/reading the stuff himself. This indicates to me that he didn't have everything at that point. So he first handed me a big envelope and said "Here are the copies". I said "Are these all the copies?" He said "These are all the copies." So then I set him up in Cambridge in my apartment so he was going to sleep on the sofa which meant we didn't have any privacy in the living room and for some days he was going to work on the stuff. Well, the first thing he said to me was "Can I take notes?" I said "Yes" and I set him up at the table with copies to read. Then he said "Can I take notes with my tape recorder?" and I said, "Well, look, it's clear, right, that I'm not sure that I will allow any quotes to be used. That will depend on circumstances at the time, the situation and everything else, at the time. In any case, I don't expect at this point to allow any extensive quotes to be used but just an occasional word here and there to convey a particular flavor or to suggest <sup>authenticity</sup> (inaudible)." <sup>authenticity.</sup> "Yeh, that's fine, that's all we're going to do - a few words here and there." So I said, "Ok, with that understanding, go ahead and use the tape recorder." Well, within an hour or two it was





clear that I had made a mistake because he was sitting at my desk at the other end of the room reading long passages into the tape recorder right in front of me. I hadn't yet analyzed it as typical Ralph but I had a sense that it was and, wow, he was sitting there right in front of me reading the stuff. A couple of times I called over to him the length of the room "Ralph, you aren't quoting a whole lot of that, are you?" "Oh, no, no." So, OK, he went on. Then he took the stuff out onto the porch and closed the glass doors for greater privacy and began, obviously, reading page after page of the stuff into the tape recorder. I'm thinking Jesus Christ. . so

---

CN

Did you have any assurance at this point that he had in fact returned all copies?

\_\_\_\_\_  
I knew of course that there was no way to insure this but he told me verbally, yes, he assured me.

\_\_\_\_\_  
CN have been  
It must / a large quantity of material?

\_\_\_\_\_  
Yes, he gave me a lot of stuff, including a lot of copies, I flipped through it.

\_\_\_\_\_  
CN Do you still have those?

\_\_\_\_\_  
Yeh. So he then went out to dinner and had to take a lot at the material he'd given me, a copy. He'd done this for a day or two before this confrontation, I think maybe it was the second day.

After all this, he went out and Ralph is a person, by the way, 72  
who acts very hurt if he's not trusted and he is in addition a  
really quite tortured person capable of fairly infantile fantasies  
and far-out (inaudible), nevertheless rather likeable and certainly an  
ingenious, creative person who I enjoyed talking with. And I would  
have liked to have been close to him but you know by this time it  
was perfectly clear that he did not intend to permit me to be close  
to him. I earlier would have liked to have been a close intellectual  
colleague but he hadn't allowed that, he just hadn't come around to  
talk or show me any of his stuff. So I think the second night he  
went to dinner with somebody and things, of course, were all tense  
throughout this to some extent because he was acting pissed off that  
he had had to bring the copies back. He was made that he had to  
reading the stuff, etc.  
be there at all/ It was understood that he was mad about that.  
But nevertheless, you know, it was (inaudible). So I read the  
stuff while he was out that he'd given me which was in this  
envelope and to my horror discovered the typed copies he had made  
were absolutely perfect copies, so much so that I took out a  
copy of my own manuscript to see if, in fact, it wasn't just a  
Xerox. I found, no, it was a different typeface but he had not  
only put on every routing indicator in each thing, you know the  
routing indicators on a cable that show the stations it goes through,  
and every, it showed everybody on the distribution list, and the  
copy number of everything. But where there was marginalia such  
as Bill Bundy's marginalia, he imitated the handwriting, so closely  
as I say, that I thought it was the same handwriting and had to look  
very closely to decide that it was a copy. I thought, Jesus Christ,



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we'll have to bring in an expert to show that this isn't a direct Xerox copy. So, in a courtroom. Oh wow, this really tears it, if he doesn't have any better judgment than that. . so I said to Pat, OK, I will really have to have it out with him. The next day, he didn't come back til late that night, so the next day, choosing my moment, around 4:00 o'clock, I said "Ralph, I want to have a talk with you." We sat down and I said "I looked at these copies and I'm very disturbed and I'm very disturbed at the nature of the copies." Well, and I described that. I said, "Well, the whole point of copying was that it wouldn't look like a perfect copy. These are the most perfect copies I've ever seen." And he said "But, well, I wanted the people reading this," of whom of course there weren't supposed to be any, "to really get the flavor of the contents from the actual physical appearance." I said, "Well, I understand that, Ralph, that's a good idea but it couldn't be more in contradiction to the spirit of our agreement." I'd even written out a note. The note was "What did you understand our understanding to be?" And I thought that he would say "Well, that we could", I thought he'd give some very distorted view like we could use quotations as much as possible. Instead, . . I said, I want you to go over your understanding of our understanding. He gave me then a perfect account of our earlier conversation back in New York on August 8th which was "any use of quotations was to be with your agreement or veto but there was a possibility of your agreement to use of quotations and I, of course, hoped that you would allow us to use quotations but I was aware that you might not. It's all up to you, etc., etc." He went through every shading of our

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understanding so he understood it totally. I said, "Ralph, how many people were supposed to see this stuff?" He said "Well, originally you said me but then Mark, Dick." "And how many have seen them?" "Well, four, five." He said well, that's more than I had said. I said "Who was to see. . how many copies were there to be?" "Well, none. So there's four or five." So he agreed readily at each point we went through. I said "Ralph, when we discussed just the other day on/notes, I want your understanding of how much?" He said, "Well, a word here or two." "Well, how much have you taken?" "Well, quite a bit." I take it back. I'm not sure on that point. That's in the spirit of what he was saying. I think I/just said to him "Look, you've been sitting there just reading this stuff. I can see that. You're doing it right in front of me." I said "And now, I think the last thing is I looked at these copies and they are absolutely perfect copies. It had been understood that they'd be copies intended to disguise somewhat their origins." I said "Look". . all this time he was being very friendly and responsive and nodding, etc. We understood each other. He could understand I was a little upset. I said, "Ralph, here's where it is, which you apparently haven't understood. The way I see it after talking to Bob <sup>Herzstein</sup> ~~Herzky~~ and others and thinking about it, several things condition the sentence that I will get if this comes out and the likelihood that it will be found out, my understanding from Bob is that the appearance of promiscuity in distributing this stuff will be damaging to me in the trial. "

added part 70  
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We haven't discussed this particularly but this is something Bob used to talk about. And he had told me that the way I appeared to have handled it would have bearing, would be extenuating on my motive and my general worthiness, you know, in dealing with the stuff, and that is why giving to a Senator is better than a Representative and a Representative is better than The New York Times and The New York Times is better than any other newspaper but the appearance of some discretion is important. And appearance that I'm not just casually handing it out all over the place, was taking some effort. I said that's one reason why so my concern is not only that telling more people will increase the likelihood that they will find out but given that they find out will make me look much worse. Do you agree with this by the way?

\_\_\_\_\_

CN Yeh.

\_\_\_\_\_

Or not? Is this very critical?

\_\_\_\_\_

CN It's not terribly critical.

\_\_\_\_\_

Except that it will make me look worse and . . . as though I'm just handing this stuff out, which I don't . . . by the way, I will say that it was somewhat people saying that I held back, that negotiation stuff, hurt me with radicals but clearly helped me with most people. So, I said, anyway, I'm not supposed to hand



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it out all over the place and you're making it worse for me in that respect. Secondly, it certainly increases the likelihood that it will be found out and I said what particularly bothers me is this. Your operation is a long-run term thing. It's a long time before this gets published. My concern is not whether, really, whether I'm found out once it has come out but that the FBI will swoop down on me before it comes out and get all this stuff. This is my No. 1 fear and in your case you've got almost a year to worry about that. By your handing this stuff out all over the place, it makes it really likely that they will come and swoop it all up including your stuff and mine before it ever gets published. And that is what is really bugging me." Well, I said, "it's clear I want you to have it and I want you to read it and profit by it because you're an original mind and I want someone besides me to work on getting it published, etc. I want you to benefit from reading it but it is clear that allowing the possibility that you will be able to use these quotes almost forces you, and I would probably be the same way in your position, it almost forces you to prepare yourself to exploit that possibility if I make that decision by having the quotes all ready to use. And when you do that, you are creating written records in a number of copies which are all there for the FBI to pounce on and which are going to blow the whole thing. And therefore I see, and I have now tested this half a dozen times, I can no longer kid myself by saying there is any way to deal with this that you'll abide by *given your enthusiasm, which is very admirable in itself* and *given your enthusiasm which is very admirable in itself* and

therefore there is nothing I can do but say 'There will be no quotes' and therefore you cannot take notes on quotes because you aren't going to be using them." At this point, you know, his face fell all apart. He really got upset, having been very friendly til that point. So I said, "I want your tapes back which you've done and all copies and there will be no quotes. You can have access to this stuff to read it and you can take if you want, just brief notes notes/on the substance and your own thoughts but that's all. And you can do that as much as you want. As a matter of fact, I would consider letting other people come up and read the stuff if not to take any notes and transcription. The trouble with that is we've only got the one room place. It's a big bother and I cannot let the stuff out of my possession, now, that's perfectly clear." So, he was almost crying and was terribly upset and I'm sure he was . . so he got the tapes together and started to hand them to me and at the last moment said "Why don't you

let me destroy them". I don't know what was the idea. I said, .  
"No, Ralph, I'll destroy them." I took them from him and he  
said "Ok, that's it, that does it, then, ok goodbye." And I said  
"Ralph, are you going to come up?" He said, "No, that's it. I have  
no use for this stuff." I said "Ralph, you know, I feel sure you  
have gained a great deal with what you've already read. You couldn't  
do that  
help but/and there's a lot left to read and you could gain a lot  
from it." He said "No, no. If I can't use the notes, they're  
worthless to me if I can't use the quotes. If I can't use it . . ."  
I said "You can use it. You just can't use direct quotes from it."  
And he said "Well, if we can't do that it's worthless." I said



"You know David Halberstam would give me his left arm or his wife to read this stuff." "Well, that's David Halberstam, that's not me." I said, "Okay, Ralph, I'm sure you're upset now and I hope you . . . you may feel different later and when you do, the offer will stand. Come up and read the stuff." So he stormed out. Keep in mind that with all this storming out it now became clear/<sup>over time</sup> that he did have other copies of the stuff. But nevertheless he was terribly, terribly upset about this. And so he left, never to be heard from for quite a long time. I was then visited later by Mark Raskin, this was the first dealing I had with Raskin.

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Could you place it in time?

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Yeh, the Stavins interview was the same, no, it was about a week after the conference I had with them which was, would be, fairly

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easy to place, maybe two weeks after the conference at the  
Institute which was, I would say, in October, <sup>this was</sup> /maybe November or so.  
So my dealings with them . . with Mark, up for the meeting at  
Cambridge, had lunch with me to persuade me to allow other people  
to see it, clearly didn't have a clear picture of what had happened  
with Stavins . So I gave him the whole story. On another occasion -  
and he seemed to be sympathetic - Mark \_\_\_\_\_ did the same and  
another time <sup>Redberg</sup> ~~Radburn~~ (?) did the same.

\_\_\_\_\_  
Can you place those times?

\_\_\_\_\_  
Well, I could with the calendar pretty well but I don't have it  
now. It's quite a bit later. In each case, neither seemed to  
know the story at all which didn't surprise me. I told them the  
story and incidentally, to leap ahead a little bit, when I

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just had my talk with Barnett~~z~~ at Rifkind's last month, and told him how abused I had been by the Institute, this having to do with some other things, he said "Well, look now to be frank, you had . . . we had reason to think, you know, that you were a problem, or something." He said, "After all, here was a guy who had said we could use quotes and then decided we couldn't." And I said, "Richard, Ralph was entirely clear and repeated this to me when I discussed it with him in Cambridge that I had never said the Institute could use quotes. I had only said you might use quotes and I would make the decision at the time." And he seemed very surprised. I said, well, by this time, he was ready to believe a good deal of what I was saying by the nature of the conversation and he did seem surprised by it. He said, "Well, I did not understand that at all. My understanding was that you had said we could use quotes." I feel pretty sure that Stavins who told me and they confirmed, he had not told them very much of his relation with me, undoubtedly had given them to believe that I had allowed them to use quotes. But at the same time it was unusually clear in Stavins' own mind that <sup>was not our agreement.</sup> / . I would never have expected that he wouldn't remember that given that it was against his interest to remember it. So the question what I should do meanwhile about all this with the Institute . . . Hertzky<sup>stein</sup>, I couldn't exactly sue them, the whole thing was illegal, I could have done a letter for the record telling them what my understanding was, insisting on seeing what they had, etc. Barnett~~z~~ continued to say, throughout



all this, being very, very friendly (he had known Pat slightly before and I had known him slightly in college, he was a year ahead of me in college) and he always acted extremely friendly and warmly and continued to say "I want very much for you to see our manuscript." So, I thought I'll just wait and see what they come up with and decide. 83

The next thing was that I got word from them somehow - I decided I wanted to see them and have it out with them and see what they were doing. I got the impression that they were publishing in June - a real time bomb - I didn't know whether or not they had copies. I suppose I felt that there was at least a 30 - 40% chance that they had copies, maybe 50%, but I wasn't at all sure as they'd given me . . . oh, Barnett, each of them had individually assured me that they had no copies. I asked each of them and they all said "Yes, there are no copies." Who did I learn from? was it, I think, that Tony actually learned talking to <sup>berg</sup> Rodburn (?) that they did have a copy and Falk eventually confirmed for me that he had - oh, Tony is very close to Falk and Falk told him he had a copy of everything the Institute had. He had a copy of the whole thing. Now, keep in mind, I'm still not sure exactly what they had, or what they do have. I think basically it was that raw material stuff which is very hot and some other studies, a few others, including my own draft of 1961, and I don't know how much else they have, perhaps not too much. So again by their own foolishness, of course, they kept from seeing the whole study. So the next thing I remember then is, it would have been in March of 1971, when I got together at Barnett's house, I kept trying to

make appointments to see him but he kept putting me off, putting me off, never there. In March he invited me to his house. I had dinner at his house after which Barbara and Mark came over and Ralph came over.

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In March?

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In March. I'll check it - in D.C. at Dick's house. At this meeting first I wanted to check when their book was coming out. They said it was not coming out in June, probably not coming out til the fall. It's supposed to be out now, it doesn't seem to be.

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It is. I got an advance copy.

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Oh, it is.      You got an advance copy? How does it look? Let me  
look at it.      You've read the whole book? Wow, how is it?

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I would say that . .

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Is it going to make a big splash?

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I don't know - can't tell. I think it's written, unfortunately,  
(inaudible)

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Yeh, yeh.

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It's one of those things where you're sure they've got it but you  
just wish that they had an editor who was a little more mature and  
(inaudible)

---



It's very disappointing. I saw his draft and I thought, oh, my god,

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I think the story is there - what he does is give you a coherent story (inaudible)

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It's not to be relied on - it's not really true - they didn't have the study finally. They pieced together a lot from the interviews. When I saw the interviews, as Pat put, when I saw the interviews the reason they were so desperate was what I realized when I saw his stuff was, which was the end of his summer of interviewing, he was supposedly finished with interviewing, was that his interviews were shit. They were close to worthless. They were a little bit better than worthless. They were more than journalists get but journalists don't get very much and they were nothing, and this was stuff, this was real stuff. Incidentally, this was interesting, what John Henry got when he was interviewing at Harvard was gold, very hot stuff. It showed what interviewing could get including a lot of documents but a John Henry definitely goes beyond the Gelb study and without having had the Gelb study so it's really remarkable. Halberstam, I've never seen his interviews so I don't know what he gets but Stavins' stuff in the end, very low grade, with a surprising number of nuggets but it didn't add up to anything coherent. It's just a number of nuggets of surprising and interesting assertions and facts. But when they tie it together with a story generally, what Stavins did in his '61 piece which was in New York

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Review of Books, that he had my manuscript to work from, he just worked right from it. Of all things the first thing he chose to publish was my manuscript which, after first flash, I decided well, I'm in no position to complain, I guess, if someone publishes my manuscript but it's ironic Stavins does it.

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I can't (inaudible)

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Was it interesting? You read the whole thing -that must have taken quite awhile. How big is it?

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It's a paperback.

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Oh, paperback.

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It's three volumes (inaudible)

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There's a piece by Bob \_\_\_\_\_ which I did not read which is sort of (inaudible.) There's a piece by Raskin on war crimes (inaudible)

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At the meeting, what they wanted to tell me, and Stavins is clearly solid - at the meeting they say in their opinion it is essential that the Papers get out and what am I doing about it? I say, well, I'm dealing with various Senators - actually I had just seen Fulbright, or rather I'd seen Fulbright's people about it. I'm still talking to Senators and I agreed that it's got to get out.

They went on as to why, like, the fall would be ideal or the summer. They didn't feel it had to be right away, which was reassuring, and that it didn't hurt that it had taken longer.

That would be ideal. I got the impression that what they were saying was that they wanted that stuff out in my name or somehow legally before their book came out to take the heat off. Barnett told me that was not in their mind when I recently asked him. Whether or not I got the feeling there was now clearly a time bomb ticking away on this. Their book was coming out. I felt sure from what they were saying that they would use a lot of quotes whatever I said and that therefore it was up to me to do something; if I didn't want it to come out in that fashion I had to find some other fashion. And since I increasingly had less and less confidence in them, it was clear to me that did not seem the ideal way for it to come out. So at any rate, I debated various ways of how to do it. I agreed that I had let things slip for a while because I had gotten excited really by the reception to my paper in September; it began to appear that maybe I could (end of tape)



3/2

Present were Dick Barnett~~z~~, Stavins and Raskin. For the latter part of the meeting, Barbara Raskin, although it wasn't clear that she knew very much of what we were talking about. Barbara was there but spent most of the evening upstairs with Mrs. Barnett~~z~~ and apparently they were keeping her out of it; as far as I could tell she didn't know much about it at that time.

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Did they make any concrete suggestions?

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Yes, so they talked about different ways, Congressmen and this way and that way, and then they said "You ought to think about putting it out through a newspaper." Now, I'll have to check my book for this, either before that or just after it, I think actually before it, the same suggestion had been made by Norville

3/2

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Jones, the staff guy for Fulbright, who had said "You might just give the whole thing to a newspaper." And mentioned the Times which was obvious but, of course, I had been talking about the Times, you see, with Barbara and Steve from the very beginning and we discussed the fact that the Times would be better than any other newspaper. The question whether the Times would really do it or not. I had once been talking to Tony Lake (?) trying to persuade him to come out openly and describe Nixon's policy openly which he knew having left at the time of Cambodia. Right after the Son Tay raid, no, I might mention here for the record that, you see, from the moment of the Son Tay raid and the bombing of Hanoi, I had been spending something like fulltime on the war because I just felt, you know, it was desperate and



that this was the last opportunity for stopping escalation were now. The immediate response was nothing but I would say when I was talking to them, now, was after my article had come out, March 9th article, probably late in March, and so again I was kind of impressed with, I was spending my time writing that article, concentrating, trying to organize people to do this and that and I had sort of taking my attention off the Papers for awhile. They said "Why not a newspaper, why not the Times?" So I said, "Well, I do know someone on the Times, Neil Sheehan." They said, "Well, really . . ." They gave no recognition sign . . , said "Well maybe you ought to talk with him." I said "I'll explore it with him." But I still wanted to try with the Congress. I was not too hopeful about Sheehan because I had seen him with Tony Lake, he dropped in, he's a

b. 75?

neighbor of Tony's, he had dropped in. They had a discussion about leaks, what not, and he'd given a long talk about how mad he was at the news department of the Times which had been terribly conservative about getting in trouble with the government. They didn't want to anger the government and were very, very cautious about what constituted news and what was opinion and everything. And everything he said gave me the indication that he was disillusioned with the Times and they were not likely to take any risks. So I didn't think that was very promising. I really thought well, maybe it would have to be somebody else, if anybody, but the Times would be best. So later on, anyway, I left the evening feeling they had given me a useful push in the direction of getting back busy on these documents and doing something about it. And I told Patricia, well, they were right; I had to get to work on that, nobody was moving on it. So then there were a number of events . . . I'd have to look at the calendar (inaudible)

a crucial meeting with all of them . . it must have been, well, I have here Barnett/ Feb. 10th, that would have been pretty early, wouldn't it, this was March, that's right. (inaudible) cuz I was doing some operating on these things. One thing, he had never gotten around, Hertz<sup>stein</sup>, to finding me another lawyer. From time to time I called him when I wanted some advice and always asked him. (inaudible) I said I feel I need somebody here. And so finally he came up with the name Vorenberg (?) so (inaudible) His first reaction was going that he wasn't / to do it justice; his later reaction after he'd heard the whole thing was more receptive (inaudible) (inaudible)

This crucial thing that happened - on Feb. 24th - I had been interviewed by Tom Oliphant of (inaudible) story something or other and again on the 25th, and he wrote a story as a result of it that the theme of which was that three people had seen this study and they have all become switched from hawk to dove. And it mostly revolved on my saying that I thought I was a war criminal and had been changed so much. He had actually gone to Washington and interviewed Halpern although Gelb was out of town at that point so he did quote Halpern. Pat and I both realized that that story again put something of a time bomb on what we were doing. If there was a time bomb there, you know, that was going to increase. We learned very quickly that that story had been read in the White House. It seems that the Globe is clipped for Nixon, one of the papers that is clipped



by Nixon and this story had been read by Nixon and it resulted in some question in Kissinger's office. Kissinger had called the Globe to comment on the story and said "Do you realize Ellsberg was never, never a White House staff member?" Of course, the story never said I was a White House staff member. But that showed they were aware that I was talking about that study and that, remember always that we were working on the assumption that the FBI knew I had the study, given the interaction with Carol a year earlier. The question was would they be alerted to the possibility that I would publish it and thus swoop in . . this made that seem likely. So around that time, and I full credit to Patricia on this, she said "We've got to do what we've been talking about/<sup>doing</sup> for a year and that is to make enough copies of this thing that we can get it hidden away." The crucial thing, again, was my great fear that it would be taken before I could publish it. We were then determined to have enough copies. So as a result of Oliphant's story we finally very quickly, in fact, I would guess, yes, yes, I think it was almost the following week by the 6th or 7th of March that we began very fast, you know and in desperate ways, sort of, and thus taking chances, to get the thing Xeroxed and clipped, when I looked at it again, I just discovered that a whole lot of it had never had all the "Top Secrets" removed, all kinds of stuff, so it was a tremendous amount of work to get it all together. We finally got around to that. Now, March 1st - and this dates it - I was given a first-class ticket to Washington to speak at the National War College on

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March 1st in the morning at a panel on Southeast Asia and I used most of the time to discuss war crimes with the audience at the National War College, were all colonels, /State Department officials and what not. I also discussed in passing Chow (?) And one of the panelists - the panelists were Buckwell, ( he was the guy who invited me there), Joe Zasloff, formerly a Rand consultant, he wrote a lot on Vietnam, did the first stuff on Vietnam, set up the Rand interviews, and Richard Stillwell, who had been second in command of and later in charge of Bangkok and I never met him before. I took a number of sharp issues with him. He had been claiming Chow but what could we have done and I listed a whole lot of things we could have done at the very end of which he shook my hand and said, "Well, Dr. Ellsberg, of course, I don't agree with you but I respect the sincerity of your views." And the general impression of my discussion with him was that he had an impression that I had done certain things because of my anger over Chow and I did show great anger over Chow, it even surprised me, I remarked, of course, in front of the audience, that here was a man who had done a great deal as a patriot to cooperate and serve the interests of the U.S. as well as his own country and I said he has god damn little to show for it and then went on from there. And I found I was very emotional but I was sure that their impression was, you know, that my emotion was . . . that they knew probably a lot of what I had done, even read the FBI reports, I suspected after hearing his peers' story. He clearly seemed to know me, know of me, and probably his explanation was that I was acting on the basis of

Chow because a lot of things pointed to that which was partly true. Now, my record here which is partly retrospective is that that was the evening I saw Neil Sheehan. I have it here -- OK, ok, it was the night before that I had my meeting with Barnett - we have it now - Feb. 28th, Sunday, Feb. 28th, I had this meeting that I described at Barnett's house. The next morning, I may even have stayed at Barnett's, I'm not sure, yes, I did. The next morning, the National War College. Nope, I didn't stay at Barnett's - they put me up at (inaudible). The next morning the National War College. That night I was waiting to see Vann who was in town, John Vann. We were supposed to get in touch and I was thinking of staying at his place and I waited with Fred Branfman (?) in the lobby of



of the Roger Smith Hotel waiting for Vann to come back so I could share his room with him but he didn't get back and we waited til 11, or 12, or 1 talking in the lobby. Finally I decided - I called a lot of hotels but there was no place, and I finally decided I would stay and see Neil Sheehan to feel him out on this thing. That was very late at night. So I called Sheehan who said "OK, come on over." He was alone, his wife was away with the kids. I called Neil and went over there about 1:00 o'clock, to Neil Sheehan's house on March 1st and stayed up all night talking to him til about six in the morning telling him about the study, this and that, feeling him out on what the Times would do, finally getting very frank, saying "Here's what I have . Here's what needs to be done and will the Times do it?" And his story there was, he, uh, he couldn't. . . he felt sure they would do it and here's how he would take care of the whole thing. One thing he told me: he then had the proofs of his piece on war crimes which was about to come out which I read. He had a draft and I read a lot of the draft that night. Or the next morning. But I knew he was very

good, that was . . and in the course of doing work on war crimes he had gone over to the Institute, in fact, I had the feeling that I had suggested it at some point . . that they were working on war crimes. And he said - - here's where I first discovered that they probably had copies. He got from them the impression that they had copies of documents and that <sup>still</sup> was the first clue I had, the first direct clue, they/had a whole set of them. But that they had a source and they had to check with the source, and negotiate, etc. but that it was possible -- would the Times possibly use it? So as he said that it became clear to me that in the earlier meeting that I had had with them just the night before they had Neil Sheehan in mind as the person I would give it to and yet had made no indication of any contact with Sheehan when I mentioned his name. I said to Neil, "Well, you've seen them a couple of times." He asked me not to tell - he then proposed to go right ahead and check with the Times with someone - he said he would check with one person on the Times -- he didn't tell me who it would be right away. Later he indicated that it was Reston. But that he would check with someone who could give him a good feel as to how to proceed further, and if that person agreed, he would then go directly to New York and deal with the top people. He would not deal with the Washington Bureau chief who I think was Max Frankel. But he would go directly to some top people, that they would bring a lawyer in only at the last moment. He would deal only with a few top people. That ultimately they would deal with Sulzberger but they would wait until they had

everything in order before they went to him with the proposal.

So, this thing was now in train as of the next day. He asked me not to go back to the Institute to tell them he had been talking to me because he said they might get suspicious, they might go off on their own and give it to someone else. He didn't know what they would do if I told him. So he would prefer -- he said, "I will continue to talk to them and say I am dealing with you or hoping to get something out of you but not say that I've gotten anything from you." So that was now in motion as of March 1st. The next day as far as I can make out I saw Sen. Matthias and I believe the next day is when I gave about a thousand, between 1,000 and 2,000 pages



NSSM-1

of material from the Nixon Administration, namely answers to question -  
to Sen. Matthias and his assistant. He claimed then he would probably,  
subject to his reading, be willing to deliver these on the floor of  
the Senate using his Senatorial privilege and reading them into the  
Congressional Record. I got these from - they were being held for  
me, there was only one copy, held by Norvall Jones in a safe for the  
Fulbright committee and I got it from Jones and gave them to Matthias.

In doing so, I think this was one other time that Jones said "Why  
don't you just give this stuff to the Times?" It's possible that  
that idea had been planted in his head by the Institute people who  
were in some contact with Jones.

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That was your only copy of this?

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Only copy of the questions -- bad, yeh.

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Do you have a copy now?

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I recently called up the assistant to Matthias and said "I want that back. I need it." He seemed very, very reluctant and I got very nervous. "What do you mean?" He said, "I don't know; I've got to check with the Senator before . . ." I said, "Wait a minute, they were supposed to be copied and give me the original back." Then I'd left it with him since it seemed a safe place. Well, it turned out that his reluctance was not publicity and everything but that he only had the one copy. And didn't want to lose the one copy. He said he would check with the Senator about it. I said "You'd better make a copy." They still have it. I said "Under no circumstances destroy it" and he assured me about that. It's not a bad place for it to be. But it's now time that I could make some use out of that material. I'd like to look at it.

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(inaudible) you have a fail-safe method applied to that?

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24  
May '72  
(NO:  
not be  
sent in)  
1-5-01

Or in negotiation. It's the only copy I had. So I better get a copy of that. That's crucial stuff. That's Nixon stuff and it's based on my own questions. I'm the only person who (inaudible) Nixon. It's terrific stuff.

All right, so they had made this suggestion to me and I had then acted on it. I was now asked by Sheehan not to indicate to them any further that I had talked with Sheehan. I had no occasion to deal with any of them for the next (inaudible) months so (inaudible). Finally I asked them if they had copies of the stuff and they sort of said "No," they (Inaudible)

At any rate, at some point I was again in Washington, went over directly to the Institute, no phone call in advance, and asked to see copies of their manuscript, if any. At which point they coughed up with it . . . dumb stuff. They promised me everything but Stavins gave me first just his own piece and I read it right in his office, right under his eyes, very interesting conditions, (inaudible)

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His book piece?

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Yeh, his book piece.

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(inaudible)



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Yeh, in printing the New York Review piece. I don't know, I never read the New York Review (inaudible) By the way, does the book have long quotes in it?

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No

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What?

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inordinately  
No, not/long quotes . . a lot of them come from Natl Security . .

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Well, a lot of that would be from my stuff. They didn't get any facts from anyone else. I think the hottest thing they got from anyone else was the minutes, the minutes of the Special group - I don't think they got much else, in the way of actual documents. Now, he showed me this thing. My heart sank in two ways. First, of

course, it was studded with quotations. Second, it was pretty juvenile as you said. It was not well done. It was written in a flashy kind of dramatic style. I'd never seen anything Stavins had written. I had a very good opinion of him because of talking with him and in the course of a long talk he would have a lot of very good ideas mixed in with nutty ideas. But I value a person for what his good ideas are and I just discard what's bad. But to see this all written down, of course, you get the impression that a lot of it is very juvenile and that (inaudible) So my feeling was I'm glad I didn't rely on this as the main channel. By this time, of course, I was deep in with both the Times and with McCloskey, McGovern having given up. So I had both those channels working. I knew then I would get it out before the Institute got their stuff out. The only question was what attitude should I take on the Institute itself. What should I do about all these quotes? I hadn't decided what to do. I read it and made a few comments on some factual questions. I didn't comment on all the quotations. The next day I read Barnett's stuff and Rodberg's stuff and again found that it did have a lot of quotations. So it was up to me now what position to take on that. However, I had to leave town. I was going to think about it and you know (inaudible) as to what to do. I was non-committal on the use of the quotes. The question was should I tell them that all the quotes must go, there was a whole lot of stuff. Well, then they'd likely say they wouldn't do it and there wasn't much I could do to compel them. On the other hand, did it matter

by that time? My fear was the main thing that mattered was maybe it discredited me a little to have given them the stuff at all, given that they were not doing a good job with it. If they had done a good job with it, I would have felt no problem at that point. But it didn't look to me as though it was going to look very good. So I did urge Barnett to do a lot. And then the other pieces were a little better than Stavins -- they cheered me a little bit. So, then, I really don't think I dealt with them until the June 13th thing when the story broke to my surprise. Soon after that I called them, got Mark on the phone and said "What's the mood there?" He said "very tense, very tense" which I was kind of surprised at, I was rather elated then except for my anger at Sheehan and I said "Tense? What for?" and he said "Well, people are really worried." And I said "You mean Ralph?" Oh, incidentally, Ralph in this interview had said -



when I read his thing I got the idea and I said to him rather ruefully, I said, "You know, what gets me is, I am the only person who's going to go to prison out of all this" as I read about all these war crimes. "Of all of them, I'm the only one who's going to go to jail." He said "Forget it, you aren't going to go to jail. The country's going to be with you. And even if you do go to jail, you know, these days, you're there for a year or something. By the time you get out you'll be a big hero. But I think you're not going to go to jail. The country's moving in your direction." This was the first time - Ralph being a very somber person - this was the first time I'd seen him being optimistic. He said "Things are just going this way. Bill Bundy's going to lose his job at Foreign Affairs ultimately, McGeorge Bundy, McNamara -- they're all going to lose their jobs. They're all going to be discredited, you know, forget it, there's really nothing to worry

about." Mark came in and I said "You know, here's what Ralph's been saying. Do you really agree with this?" and Mark said, "Well, no, not quite as much as that but I think generally it's like that."

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This is a physical visit to the Institute?

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This is the one I'm telling you, when he showed me - around May 17th - when he showed me his manuscript. Now much later, now, when I heard that they were all uptight and I said "What about Ralph?" and he said "Ralph is very, very nervous." And I said "Really?" I was surprised but then as I thought about it I felt pleased because this guy who was telling me I had nothing to worry about, you know, etc. and I was glad that he was feeling it a little bit.

So then, it began to come out. Tony, then, at some point when he was East went and visited with them. Stayed with Mark for

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several days, talked to Rodberg, later talked to Falk. Tony came back with the news that he felt certain that <sup>IPS</sup> (inaudible) had a copy of the stuff and that Falk had a copy of the stuff. That irritated me, too, because I'd gone to great mental effort of how to get the stuff to Falk and how to get a copy -- I didn't have an extra copy - making another copy. I was very anxious to get Falk to read it as an international lawyer to go over it. Here, god damn it, he had one. I'd very often offered it to Falk and he'd never made any effort to get it. He later told me the reason was he'd been promised one by the Institute and he didn't feel it was necessary to get it from me. And he did get it but not, I take it, a copy of the whole thing, just of the documents that they had. So again Falk sort of fucked up - I had offered him the whole study. All he got from them was just partial.



So when Tony told me that, you know, that - confirming that they'd had a copy all along, I began to get really pissed. This was - then I got the funny news from, I think, Tony. He said he had a very strong feeling from talking to Rodberg that they had known that the Times was going to print it. Well, I really hit the roof on that one. Because of course, I hadn't known and if they had, after all this other stuff, if they had known the deal was going - it raised the question in my mind whether and how much they might have worked with Neil hand in glove through the whole thing; whether Neil's business about my not going to the Institute was another blind, you know, and that there again they knew that the thing was coming out in the Times on June 13th whereas I was found on June 13th with documents in my house without an hour's warning from the New York Times. So, that I thought was

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really pretty far - I really determined to deal with -- now, Tony was very anxious that I get - and Falk, also, - a committee started - a peace committee which would include Raskin and Barnett. But I told Tony about my feelings about the Institute.

4/1

Falk and Barnett had apparently been in touch together and it seemed clear that Barnett wanted to be invited to be on a Pentagon Papers Committee that would organize a lot of things about the Pentagon Papers, analyze them. My attitude to Falk on the phone and to Tony in person was I hoped they'd do everything they can, they're talented, dedicated guys. I told Falk that I didn't - I was glad to have - at this point, by the way, it wasn't clear just how much Falk had been in on all these things. But I said I was glad to have them do anything they wanted, to charge ahead, the conditions is - do anything - I did not feel I could work closely with them as I didn't think they had treated me anything like a colleague would, like trust, or anything. And Falk and Russo said, well, I really ought to talk to Barnett about

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if the occasion arose  
it and get it out. I said/I would, Barnett said he wanted to talk  
to me (inaudible). We got aside together during the meeting and  
went outside and talked and I said I wanted to deal with my dealings  
with people. He said "Well I know you might have some occasion for  
irritation" and I said "Well, what it amounts to is I feel - it now  
appears that from the very beginning I was treated contemptuously,  
manipulatively, lied to<sup>deceived</sup> and used by the Institute from beginning to  
end. the relation never took any other form, and that it was  
particularly painful because as movement people I had hoped you were  
capable of a fairly open relationship and, on the other hand, you,  
in particular, had professed a great warmth and friendliness and yet  
as far as I could think you, too, deceived and lied throughout." He  
was taken aback by that and said "Well, (inaudible)" and I said "Let's

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go into it bit by bit and I described things - he claimed, probably is true, that he had gotten a different picture from Stavins, not a realistic picture. And he said, "Well, you, too, seem to be on and off and changeable, etc." And I explained that (inaudible) and he was surprised to hear my account of it. Then he finally ended up saying, "Well, there's a lot of truth to what you're saying and I want to (inaudible from attorney) think about it." / Oh yes, so I did ask him whether he had known about that. He said "We knew they were working on it. We didn't know the exact day. I said "Did you know about all this working group at the Hilton?" He said "What do you mean, the Hilton?" I said, "Well, you know, a lot of the press, the Hilton is where they work." He said well no, he didn't know the details but he did know something was up and they were working on the Paper something. But I didn't go into a big thing. He then went on a big thing, he kept

coming back to the thing that Stavins was a guy who could not trust anybody and who acted strangely and that he had to admit I couldn't rely on Stavins to work with. "Well, that's all very well about Stavins but let's go into some things that you told me. Did you not tell me that there were no copies left of these documents?" He said "Yes". I said "Did you have copies?" His answer, by the way was "No, we don't have any copies." This was a little bit earlier. I had asked do you have copies. He said "No". It turns out that Ralph got so panicky that he burned all the copies at the Institute. (inaudible) the 13th. So they didn't have any copies. They now regretted this. That's one reason why Rodberg wanted better copies, better Xerox copies, they couldn't read the Gravel copy too well and they had burned their only copies. It may be then that they have no copies now other than what they got from Gravel which could be the whole thing. I guess the Institute can be regarded now as having the whole thing from Gravel. He first said "No." I said "Well, did you have copies?" "Yes". I said, "Well, how many had copies?" He counted about five, six. I said "Ok". Later I said "Did you tell me you'd given me all the copies and that no copies were made." He said "Yes." I said "Did you have copies?" He said "Yes." I said "Did you tell me that you would give me all the manuscripts, stuff, you know, and let me look at it?" He said "Yes". "Did I get them?" "No"

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What was the reason for not wanting to show you manuscripts?

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Just didn't want to deal with me. I finally put to him an interpretation which he did not defend from very much. I said "Look, you guys I'm sure feel like a little band of Mormons in the desert surrounded by a hostile environment. You were early in the peace <sup>filed</sup> file, you know, and in the radical field and it's natural you would be very ingrown and trust your own people and not trust - I said it's very natural, very honest that you would be suspicious of my background and my information and what not. However, if you had been willing to experiment, if you had been open enough to test me and test my apparent sincerity and openness." I said, "Incidentally, I was absolutely open with you." I believe, by the way, in all the people that I dealt with - Sheehan, Fulbright, McCloskey, all these people. I think I was to the ultimate degree totally open about my intentions, about my contingency plans, alternatives, purposes, everything - could not have been more open. If there is an exception to that it was simply refraining from telling the Institute that I had gotten in touch with Neil Sheehan later. The only thing I can really point to where I was less than totally open (inaudible). I said "You know, if you had been in the slightest willing to test my sincerity, I think, you know, you would have quickly discovered that all evidence pointed to the fact that I was trustworthy. But you weren't interested in that. You didn't want to add anybody to the band and I'm disturbed with the fact that here with the movement values that you have how very deceptive, manipulative you were with me, simply

using me, how reminiscent this all was of the most manipulative people I had left behind in the Government establishment," In fact, as I later put it to Tony, I think it could almost be summed up that these are guys who could work in the Government and who really in moving to the Institute rather than really taking a different way of life and different approach to people probably think of themselves as using the methods of the Government against the Government in the cause of peace. That's what they are doing. There are limits to that. And Tony's, in fact, reaction was interesting, his assessment finally - he heard all this, he sat there and listened to it. ~~His assessment at the end of it was,~~ at the end of it <sup>he</sup> said to Dick that "I respect what all of you are doing and respect you personally. I would like to work with you. As of now, I couldn't possibly work with people who I didn't feel trusted me or dealt openly with me." So you just go off and work by yourself if that's the way it is, I said. "But if you could change there would have to be a good deal of open soul-searching about the past relationship, bring that out on the table and go on from there. But in any case, I said some heavy things to you and I think you should think very seriously about them for your own benefit, for what it's worth." And he said "I (inaudible) and I think you're right. I assure you I am going to think very hard about this. Well, after he left, Tony said "I frankly think that they are so into manipulateness they really can't change." And I don't know whether that's true or not but the chances are it is. I see some very strong patterns there. Dick did say this "You're right in the way we regarded you." The point that I really laid on him was "It's plausible that you really should



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have regarded me this way in the beginning. But what I really want you to realize is that you had a whole year of dealing with me, during which I was totally open and honest with you and showed from week to week that I was a person willing to take great risks." The same is true of Neil. If I ever had a conversation with Neil, I'd have to say the same thing you know. He dealt with me for months and here's a guy willing to take extraordinary risks and being totally honest and there was simply no basis for dealing with me manipulatively if you opened your eyes and began looking into the way I was dealing. So, uh, he said, well (inaudible.) He did say "I felt somewhat uncomfortable about the way we worked with you." He said "It's true. We weren't showing you stuff." In no sense was I treated as an insider, I was regarded as an outsider totally. He said "That's true and I felt somewhat uncomfortable and Marc felt very uncomfortable about it." This was interesting. I mentioned this to Tom Hayden just the other day and as I began to tell the story. I told half of it, not the detail, and he said "My guess would be that Mark Raskin would be much less happy with this than the others." Dick on the other hand did say he did think I shouldn't think there was really no use in dealing with Ralph, that he would not change. (inaudible) Or course, the upshot is - I suggested that part of the motivation especially of Ralph was the desire to have a big coup for himself, you know, and not to share it. He insisted that this was not true. Ralph, you know, does not care about the glory or whatever but that he was totally dedicated - that may be. The upshot is



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It's not nearly as good as it could have been.

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Not nearly as good? It isn't even comparable to what it could have been.

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And your position (inaudible) you're better off, personally

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Well, I wanted to see a good study of war crimes, and all that. By the way, did Falk not have a piece in it?

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No. I think there are two other . .

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This is the one I would have expected Falk to be in. They may have rushed it out. They paid Neil . . (inaudible). If I were Halberstam I would really advise him, all things considered now, to postpone publication date considerably - to take full advantage - if necessary to go back to all the interviewing. He's got an enormous amount of interviewing. He should have been willing to work closely. (inaudible) He's probably very mad<sup>me</sup> at ~~them~~, very mad, for never offering. The time has come when I really ought to talk to him and explain to him why I didn't because he acted as a lone, ambitious operator and I wouldn't have any influence over him and couldn't trust what he would do if (inaudible)

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The one thing you can say about him is he didn't (inaudible)

(inaudible)

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The papers were originally given by Gelb, Halpern, into my custody at the Rand Corporation with the understanding that only Henry Roth and I would have access. I frequently was pressing to have access granted to a larger number of people - I was always in favor of having a larger number of people work on it.

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Did you ever . .

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Les specifically  
I frequently asked/that this or that person be added to the list.

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Did you ever do that in writing?

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No.

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That would all be oral?

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That would be oral. But that would be, I'm sure . .

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(inaudible) Gelb and Halpern.

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Now, the agreement was to have any person added to the list two out of the following three people should agree: Halpern, Gelb or (inaudible) So the number did expand very slowly. We were told to keep it a great secret that it existed. This did involve me a couple of times in lying to people who asked (inaudible)